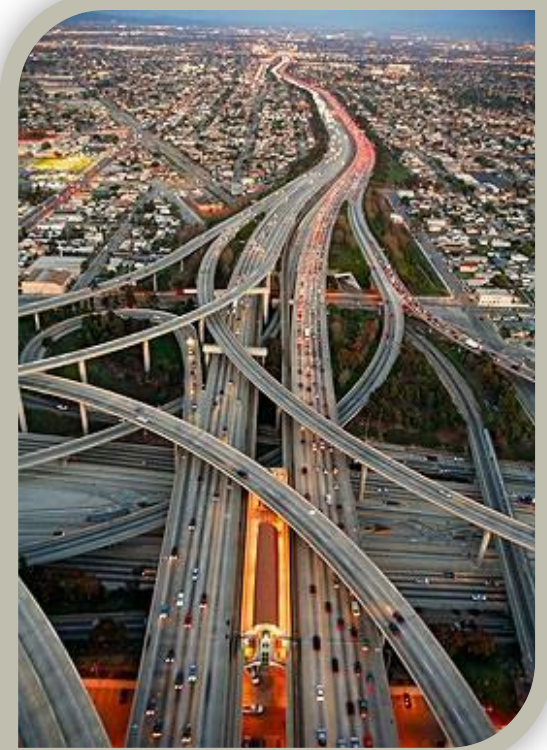


# California Environmental Protection Agency Environmental Justice Program Update February 2014



A report to the Governor and the Legislature on  
actions taken to implement Public Resources Code  
Sections 71110-71116



# STATE OF CALIFORNIA

**Edmund G. Brown Jr.**  
Governor

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**February 2014**

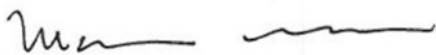
# Message from the Secretary

CalEPA and its boards, departments, and office have a tremendous responsibility. California faces a wide variety of complex and daunting environmental challenges: we must improve our air and water quality, preserve and enhance our diverse ecosystems, clean up the contamination left behind by many years of industrial and agricultural use, provide our communities with safe drinking water, and ensure that consumers are not subject to undue chemical threats. At the same time, we must plan for continued economic development and prepare for anticipated population growth during a period of uncertainty caused by changes in our climate.

As difficult as this responsibility might be on its own, it is also CalEPA's commitment and obligation to see that when we respond to these challenges we do so fairly and in a way that protects the rights of all Californians. Fundamental principles of environmental justice require that our policies, programs, and actions are designed to ensure that every community in the state has a safe, healthy environment and a strong economy, and that all segments of society have an opportunity to participate in our regulatory decisions and planning processes.

This report identifies the progress we have made over the last three years to promote environmental justice. It describes the work we have done to make sure our regulatory processes are open, accessible, and responsive to all Californians. It also discusses the efforts we have made to categorize and provide relief in the areas of the state that are most burdened by pollution or other environmental challenges and that are least capable of responding to these issues without our assistance.

Many individuals in CalEPA have contributed to these efforts and are continuing to develop different ways to promote fairness and to respond to the problems of our most disadvantaged communities. There is still much to do. I am confident, however, that through our collective efforts we will continue to improve the environment in which we all live and work, and will do so in a way that is just and takes into account the needs of all Californians.



Matthew Rodriguez  
Secretary for Environmental Protection

# Acknowledgment

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# Introduction

This report details the progress that CalEPA and its boards, departments and office (BDOs) have made over the last three years in achieving the objectives identified in the Intra-Agency Environmental Justice Strategy. The first section of this report provides an overview of environmental justice, touching upon the concept of environmental justice, a brief history of the environmental justice movement, and a short discussion of significant environmental justice legislation passed in California. The second section of the report outlines the Agency's work in assessing pollution burdens and vulnerabilities. It also describes the establishment of an Environmental Justice Compliance and Enforcement Working Group and includes updates on the environmental justice small grant program. Finally, the third section provides an account of the environmental justice accomplishments and goals of the Agency's BDOs.

## Key Accomplishments

CalEPA and its BDOs have made considerable progress in implementing the Intra-Agency Environmental Justice Strategy, adopted in August 2004. Many of these accomplishments are described in-depth throughout this report. Some key accomplishments include:

1. CalEPA and the Office of Environmental Health Hazard Assessment developed CalEnviroScreen, a science-based tool for evaluating which localities in the state are subject to multiple pollution sources and are most vulnerable to pollution's adverse effects.
2. Over the past three years, the Air Resources Board has conducted over 10,000 diesel vehicle inspections in disproportionately burdened areas, including ports.
3. The Department of Pesticide Regulation established the nation's first pesticide air monitoring network to expand its knowledge of the potential health risks of long-term exposure to pesticides.
4. CalRecycle expended over four million dollars to fund cleanup projects in disadvantaged communities identified by CalEnviroScreen as the most burdened and vulnerable to multiple pollution sources and stressors.
5. Over 40% of all Department of Toxic Substances Control inspections, complaint investigations, and enforcement actions took place within areas of the state identified by CalEnviroScreen as the most burdened and vulnerable to multiple pollution sources and stressors.

6. The Office of Environmental Health Hazard Assessment adopted the nation's first public health goal for hexavalent chromium in drinking water, 0.02 parts per billion. Hexavalent chromium is on the state's Proposition 65 (Safe Drinking Water and Toxic Enforcement Act of 1986) list for cancer and reproductive toxicity.
7. The State Water Resources Control Board developed its *Citizen's Guide to Working with California Water Boards* to promote public education and meaningful participation in environmental decision-making processes.

## Moving Forward

The accomplishments achieved under the Intra-Agency Environmental Justice Strategy are the result of the hard work and dedication of many CalEPA and BDO staff in collaboration with community and business stakeholders. Over the next two years, the Agency will focus on four main areas in order to further implement the strategy's goals and objectives.

1. **Civil Rights Policy and Framework.** CalEPA will increase efforts to implement Government Code section 11135, California's state law analog to Title VI of the 1964 Civil Rights Act. The law prohibits discrimination on the basis of race, national origin, ethnic group identification, religion, age, sex, sexual orientation, color, genetic information, or disability in any program or activity conducted or funded by the state.
2. **Environmental Justice Legal Tools.** CalEPA will develop guidance that will promote a sound legal framework for CalEPA to advance its environmental justice goals and objectives. The document will be an overview of the legal authority available to CalEPA and its BDOs to address environmental justice considerations in the Agency's work.
3. **Environmental Justice Compliance and Enforcement Working Group.** CalEPA will continue to lead an agency-wide working group dedicated to increasing compliance with environmental laws in communities that have relatively higher environmental burdens.
4. **Refinements to CalEnviroScreen.** CalEPA will add additional indicators to CalEnviroScreen, and provide information at the census tract scale. The Agency will also continue to consider potential functions for the tool within CalEPA and its BDOs and other state agencies.

# Environmental Justice

## Overview

### Conceptions of Environmental Justice

More than two thousand years ago, Aristotle defined the most fundamental principle of justice—“equals should be treated equally and unequals unequally.” He explained that justice is a sort of proportion—“that which is just, then in this sense is that which is proportionate, and that which is unjust is that which is disproportionate.”

Just as Aristotle wrestled with the concept of justice, in the early 1990s, delegates to the First National People of Color Environmental Leadership Summit worked to, among other things, develop an inclusive definition of justice for the environment. Today, the principles of environmental justice drafted and adopted at the summit help frame a definition of the environment -- that encompasses where people live, work, play and learn, as well as the physical and natural environment.

Together, the definitions of justice and the environment, laid out by Aristotle and environmental justice advocates respectively, serve as a basic guide to understanding the concept of environmental justice.

Indeed, there is no universally accepted definition of environmental justice. California was one of the first states in the nation to codify environmental justice in state statute. Environmental justice is defined in statute as, "the fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations and policies." (Government Code Section 65040.12). Leaders in the environmental justice movement often describe environmental justice as the idea that minority and low-income individuals, communities, and populations should not be disproportionately impacted by environmental pollution. Further, they should share fully in making the decisions that affect their environment. Two additional theories inform our understanding of environmental justice: distributive justice and procedural justice.

Distributive justice refers to the extent to which governments ensure that societal benefits and burdens are distributed in ways that are fair and just. Specifically, this means that minorities and those with lower incomes should not have to bear disproportionate environmental and public health burdens.



Procedural justice focuses on the process through which environmental decisions are made. This includes making sure vulnerable groups have the legal and technical resources they need, and ensuring they have equal access to decision-makers and decision-making processes. Procedural justice can also refer to governmental behaviors and activities, such as ensuring equitable data collection and providing materials in the languages necessary to allow for meaningful involvement of interested residents.

To many, procedural justice is a prerequisite for distributive justice. Without meaningful inclusion of those who will be impacted by the outcomes of environmental decision-making, fair distribution of environmental benefits and burdens is not likely to result. The achievement of distributive and procedural justice is dependent upon both the active participation of vulnerable groups and the willingness of government officials to include and incorporate the input of these groups when making their decisions. This report documents the actions CalEPA and its BDOs have taken towards achieving environmental justice for all Californians.

## Brief History of Environmental Justice Movement

It is difficult to identify a particular date or event that launched the environmental justice movement, as the movement grew from hundreds of local struggles and events and out of a variety of other social movements.

Early events of environmental injustice in California can be traced to a number of Native American struggles against environmental degradation in the midst of warfare, slavery and relocation. For many Californians, the farm worker's struggle for the implementation of workplace protections serves as a starting point for environmental justice. Others note that when Rev. Dr. Martin Luther King Jr. traveled to Memphis in 1968, he was doing so to support striking garbage workers fighting for workplace safety. In the 1980s, organizations like the Concerned Citizens of South Central Los Angeles and the Mothers of East Los Angeles were established to challenge the siting of a waste-to-energy incinerator and a state prison in their communities, respectively.

Many environmental justice advocates point to the challenge residents of Warren County, North Carolina faced in 1982 as the initial recognition of environmental injustice in the United States. Warren County, a predominantly African-American and low-income community and host to an existing landfill, was the proposed site of an additional polychlorinated-biphenyl (PCB) landfill. In an effort to express their displeasure with the proposed landfill being sited near their homes, over 500 Warren County residents nonviolently demonstrated against the proposed landfill. Despite the best efforts of many, the landfill was sited near the homes of the protesting residents.

The protests in Warren County raised the question of how many other communities of color were similarly affected by hazardous waste. This line of inquiry was partially explored in a 1983 Government Accountability Office (GAO, then known as the General Accounting Office) report on southeastern states, *Siting of Hazardous Waste Landfills and Their Correlation with Racial and Economic Status of Surrounding Communities*. This report concluded that African-Americans comprised the majority of the population in three out of four communities where southeastern hazardous waste landfills were located. Many reports that followed reached similar conclusions. In addition, this phenomenon was not localized to the Southeastern United States; it was occurring across the nation.

Many local struggles attempting to address these disparities were followed by mounting documentary evidence demonstrating that certain communities, especially those with high minority and low-income populations, faced a disproportionate share of the burden of environmental pollution. Compelling racial and economic disparity in the distribution of exposure to air pollutants, hazardous waste, contaminated groundwater, and toxic chemicals led to an overwhelming number of studies showing differences by race and income in exposures to environmental hazards. In 1987, the United Church of Christ followed up on the GAO's report with *Toxic Waste and Race*, finding race to be the most potent variable in predicting where toxic facilities were located—more powerful than household income, the value of homes and the estimated amount of hazardous waste generated by industry. Such evidence has been instrumental in prompting official government action across the nation.

Three years after the release of *Toxic Waste and Race*, the Congressional Black Caucus met with United States Environmental Protection Agency (US EPA) officials to discuss increasing evidence that disenfranchised communities were being exposed to environmental harm more than others. In response, the US EPA created the Environmental Equity Workgroup. The Workgroup released a report supporting the Congressional Black Caucus's assertions and produced recommendations to address those inequalities.

In 1992, largely as a result of those recommendations, the federal government created the Office of Environmental Equity as part of the US EPA, and a year later, the US EPA established the National Environmental Justice Advisory Council to “provide advice, consultation and make recommendations . . . directed at solving environmental equity problems.” Increasing attention to environmental justice issues brought with it efforts to pass groundbreaking environmental justice legislation at the federal level, but these efforts were unsuccessful. However, in 1994, President Bill Clinton issued Executive Order 12898 compelling federal agencies to make environmental justice part of their missions by developing a strategy that identifies and addresses disproportionately high and adverse human health or environmental effects of its programs, policies, or activities on minority populations and low-income populations.

In California, environmental justice issues were also emerging. In 1988, a toxic waste incinerator was proposed in Kettleman City, a predominately Latino low-income farm worker community and host to one of the largest hazardous waste landfills in the nation. Meaningful public participation did not appear to be considered in the California Environmental Quality Act review process. The Environmental Impact Report was not translated into Spanish for the city's 40 percent monolingual Spanish-speaking population, and the public hearing on the matter was held 35 miles away from Kettleman City, making it difficult for low-income migrant farmworkers without cars to attend. Also, the hearing was conducted entirely in English. Despite the nearly 200 Kettleman City residents who carpooled to give testimony (in Spanish) opposing the siting of the incinerator, the incinerator was sited. Thereafter, Kettleman City residents were able to garner support from civil rights organizations, elected officials, and environmental and legal advocates. Ultimately, after three years of protest, the project proponent withdrew its proposal to build the incinerator in Kettleman City.

In another case in the 1990s, in the largely Latino and low-income Los Angeles County community of Bell Gardens, the focus centered on Suva Elementary and Intermediate Schools. The schools were located adjacent to two metal chrome-plating plants known to discharge hexavalent chromium, a chemical on the state's Proposition 65 list for cancer and reproductive toxicity. Teachers and students were frequently exposed to high levels of chromium, resulting in many complaints about being sick, teacher incidences of miscarriages, and cases of leukemia. After residents tracked the many instances of atypical sickness in the community over a ten-year period, local, state, and federal authorities began to get involved. Monitoring and other legal actions began, resulting in the closure of chrome-plating operations adjacent to the schools.

A long-time pioneer in taking the initiative to reduce environmental and public health impacts and risks, California emerged as a national leader on environmental justice legislation. Efforts to address environmental justice through legislation began in 1991, although these initial attempts were unsuccessful. However, in 1999, California successfully codified environmental justice in state statute, allowing the state to formally and officially begin its efforts to address environmental justice issues. These legislative advances have helped set the stage for CalEPA's role in advancing environmental justice.

## Legislation

In 1999, the legislature passed and Governor Gray Davis signed into law California's first environmental justice law, Senate Bill (SB) 115 (Solis, Chapter 690, Statutes of 1999). It established a definition of "environmental justice" in the California Government Code and directed CalEPA to conduct its programs, policies, and activities and promote the

enforcement of all its existing health and environmental statutes “...in a manner that ensures the fair treatment of people of all races, cultures, and income levels, including minority populations and low-income populations in the state.” The bill also designated the Governor's Office of Planning and Research (OPR) as the lead agency for coordinating environmental justice programs and several of the state’s environmental and state planning programs. Further, SB 115 also directed CalEPA to ensure greater public participation in the development, adoption, and implementation of environmental regulations and policies and improve research and data collection. SB 115 provided the procedural framework for environmental justice in California.

Shortly after the passage of SB 115, California enacted SB 89 (Escutia, Chapter 728, Statutes of 2000) to guide and assist CalEPA in the implementation of SB 115. The bill required the establishment of the CalEPA Interagency Working Group on Environmental Justice (composed of the Secretary of CalEPA, and the Chairs and Directors of CalEPA’s BDOs and OPR) to assist CalEPA in “...developing an agency-wide strategy for identifying and addressing any gaps in existing programs, policies, or activities that may impede the achievement of environmental justice.” SB 89 also required CalEPA to report to the Legislature regularly on the status of environmental justice implementation at the Agency.

In addition to calling for a strategic path to advance environmental justice, SB 89 directed CalEPA to appoint an advisory group, comprised of representatives from local/regional planning agencies, community organizations, environmental organizations, business, air districts, and certified unified program agencies, to assist the Working Group in developing recommendations for CalEPA’s intra-agency environmental justice strategy.

Together, SB 115 and SB 89 require CalEPA to engage in the following activities (pursuant to Public Resources Code (PRC) sections 71110-71113):

- Conduct its programs, policies, and activities that substantially affect human health or the environment in a manner that ensures the fair treatment of people of all races, cultures, and income levels, including minority populations and low-income populations of the state.
- Promote enforcement of all health and environmental statutes within its jurisdiction in a manner that ensures the fair treatment of people of all races, cultures, and income levels, including minority populations and low-income populations in the state.
- Ensure greater public participation in the Agency’s development, adoption, and implementation of environmental regulations and policies.
- Improve research and data collection for programs within the Agency relating to the health of, and environment of, people of all races, cultures, and income levels, including minority populations and low-income populations of the state.

- Coordinate its efforts and share information with the US EPA.
- Identify differential patterns of consumption of natural resources among people of different socio-economic classifications for programs within the Agency.
- Consult with and review any information received from the [Interagency] Working Group on Environmental Justice established to assist CalEPA in developing an agency-wide strategy, pursuant to PRC section 71113.
- Develop a model environmental justice mission statement for CalEPA's BDOs.
- Consult with, review, and evaluate any information received from the [Interagency] Working Group on Environmental Justice pursuant to PRC section 71113 and in development of its model environmental justice mission statement.
- Develop an agency-wide strategy for identifying and addressing any gaps in existing programs, policies, or activities that may impede the achievement of environmental justice.

Building on this foundation, California has continued to address environmental justice issues through legislation. Other environmental justice legislation enacted in California includes:

- AB 1553 (Keeley, Chapter 762, Statutes of 2001) required the Governor's Office of Planning and Research to adopt guidelines for addressing environmental justice considerations in city and county general plans by July 1, 2003.
- SB 32 (Escutia, Chapter 764, Statutes of 2001) required the California Environmental Protection Agency to conduct a scientific peer review of existing screening values, the advisory numbers that estimate what level of cleanup is needed to restore a property. Also required were the development of new screening values, and a guidance document to assist communities, developers, and local governments in understanding the factors and procedures used for cleaning up hazardous waste. Under the bill, a local agency proposing to carry out a remedial action is required to provide information to the public and to take specified actions to enable community participation. The bill also established a number of other requirements related to restoring contaminated properties.
- AB 2312 (Chu, Chapter 994, Statutes of 2002) established CalEPA's Environmental Justice Small Grant Program. The program requires the Agency to award grants on a competitive basis to nonprofit entities and federally recognized tribal governments. Grants are limited to \$20,000, and are to be awarded to community-based, grassroots nonprofit organizations that are located in areas adversely affected by environmental pollution and hazards and that are involved in work to address environmental justice issues.

- SB 1542 (Escutia, Chapter 1003, Statutes of 2002), required the California Integrated Waste Management Board, the predecessor of CalRecycle, to provide local jurisdictions and private businesses assistance with the consideration of environmental justice concerns when developing and revising countywide siting elements for solid waste disposal facilities. It also required that countywide siting elements submitted or revised on or after January 1, 2003 include a description of the actions taken to solicit public participation by affected communities, including, but not limited to, minority and low-income populations.
- AB 1497 (Montanez, Chapter 823, Statutes of 2003) required that a local solid waste enforcement agency hold a hearing and provide notice of that hearing when the operator of a solid waste facility applies to make a change to the design or operation of the facility. It also required that the enforcement agency consider environmental justice issues when preparing and distributing the notice to ensure that the notice is concise and understandable for limited-English-speaking populations.
- SB 18 (Burton, Chapter 905, Statutes of 2004) required the Governor's Office of Planning and Research, within its guidelines regarding city and county general plans, to provide advice for consulting with Native American tribes to promote the preservation of and mitigation of impacts to Native American places, features, and objects. The bill also required that city and county general plan planning agencies provide California Native American tribes an opportunity to involve themselves in proposed general plan actions, and that planning agencies consult with tribes. The bill also allowed California Native American tribes and other specified tribes to acquire and hold conservation easements.
- SB 162 (McLeod, Chapter 428, Statutes of 2007), required local agency formation commissions to consider comments from residents and voters when reviewing a proposal for a change of organization or reorganization, and also to consider the extent to which the proposal will promote environmental justice.
- AB 685 (Eng, Chapter 524, Statutes of 2012), declared that it is the established policy of the state that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes. The bill required all relevant state agencies, including the Department of Water Resources, the State Water Resources Control Board, and the State Department of Public Health, to consider this state policy when revising, adopting, or establishing policies, regulations, and grant criteria when those policies, regulations, and grant criteria are pertinent to the uses of water described in the policy.

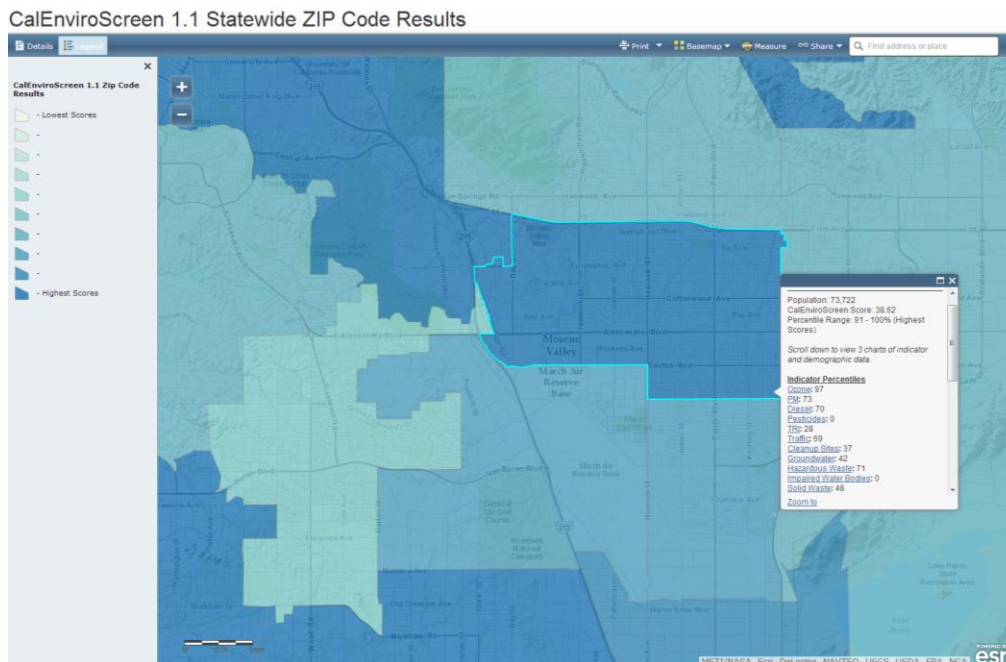
- SB 965 (Wright, Chapter 551, Statutes of 2012) required the State Water Resources Control Board and the California Regional Water Quality Control Boards to make each meeting agenda notice that they provide available in both English and Spanish. It permitted the state board or a regional board to make the agenda notice available in any other language. It also required that state bodies subject to the Bagley-Keene Open Meeting Act ensure that non-English speakers receive the same opportunity to directly address such bodies as English speakers do, by requiring them to allot speakers using a translator at least twice the time that speakers not using a translator receive. This requirement does not apply if simultaneous translation equipment is used.
- SB 535 (de León, Chapter 830, Statutes of 2012), required CalEPA to identify disadvantaged communities based on geographic, socioeconomic, public health, and environmental hazard criteria. It also required that 25 percent of cap and trade auction proceeds obtained under AB 32 (Núñez, Chapter 488, Statutes of 2006), California's Global Warming Solutions Act, be expended on projects that will benefit disadvantaged communities. It also required that at least 10 percent of the available carbon auction proceeds be expended on projects located in such communities. These requirements must be accounted for in the investment plan developed and submitted to the Legislature pursuant to Assembly Bill (AB) 1532 (John A. Pérez, Chapter 807, Statutes of 2012).

# CalEPA Environmental Justice Program

## CalEnviroScreen

A large number of Californians live in the midst of multiple sources of pollution. Some people and communities are more vulnerable to the effects of pollution than others. In order to respond to this situation, it is important to identify the areas of the state that face multiple pollution burdens so programs and funding can be appropriately directed toward improving the environmental health and economic vitality of the most impacted communities.

For this reason, CalEPA and the Office of Environmental Health Hazard Assessment (OEHHA) have developed and recently released the California Communities Environmental Health Screening Tool (CalEnviroScreen).



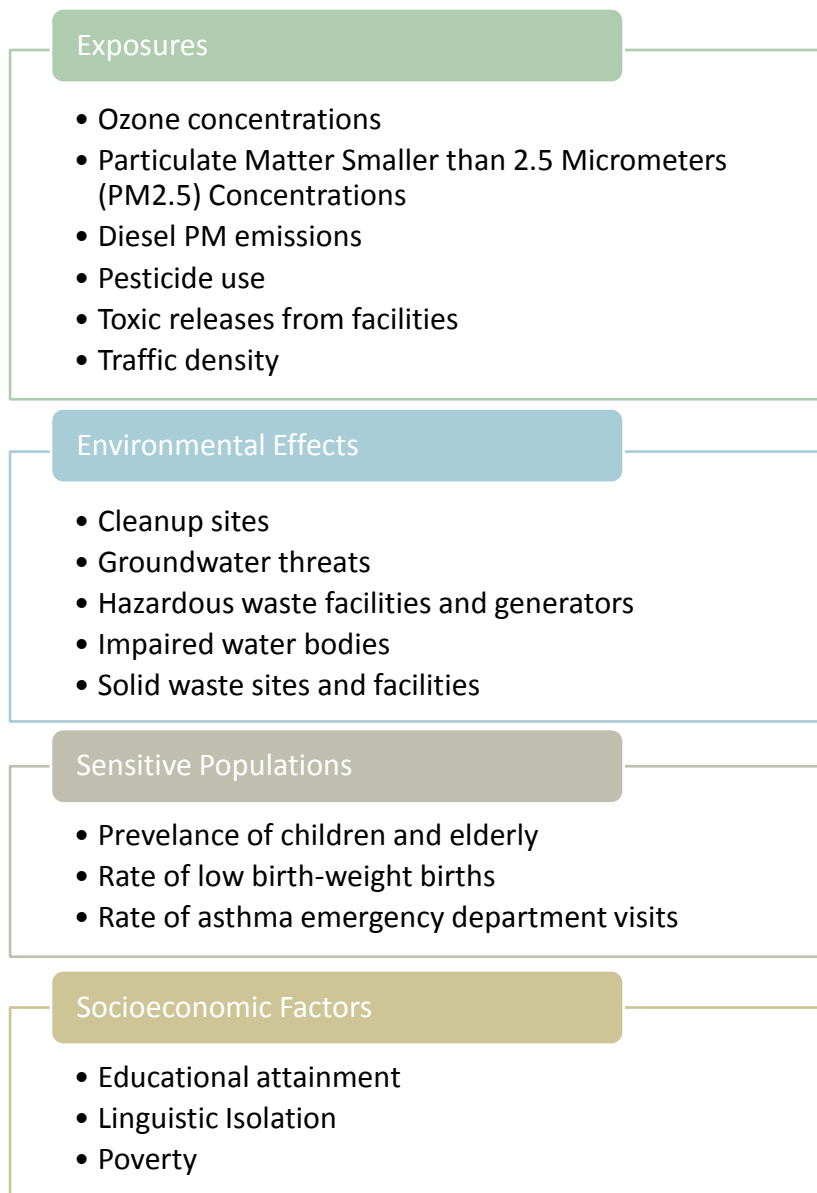
CalEnviroScreen uses existing environment, health, and socioeconomic data to consider the extent to which communities across the state are burdened by and vulnerable to pollution. CalEnviroScreen originated from CalEPA's Environmental Justice Action Plan, which called for the Agency and its boards, departments, and office to develop guidelines for evaluating cumulative impacts from multiple pollution sources. The



Agency tasked the Office of Environmental Health Hazard Assessment with developing guidance on evaluating cumulative impacts. The result of that effort, the first version of CalEnviroScreen, was formally released on April 23, 2013.

In its current form, the tool evaluates the collective burdens of multiple sources of pollution by zip code. It does so by assessing pollution burden and population characteristics to create a relative ranking of communities across the state.

The factors included in CalEnviroScreen are:



# CalEnviroScreen 1.1

## Top 10% of California ZIP Codes: Facts & Figures



**37%**  
of residents have less than a high school education, compared to 15.2% in the rest of the state



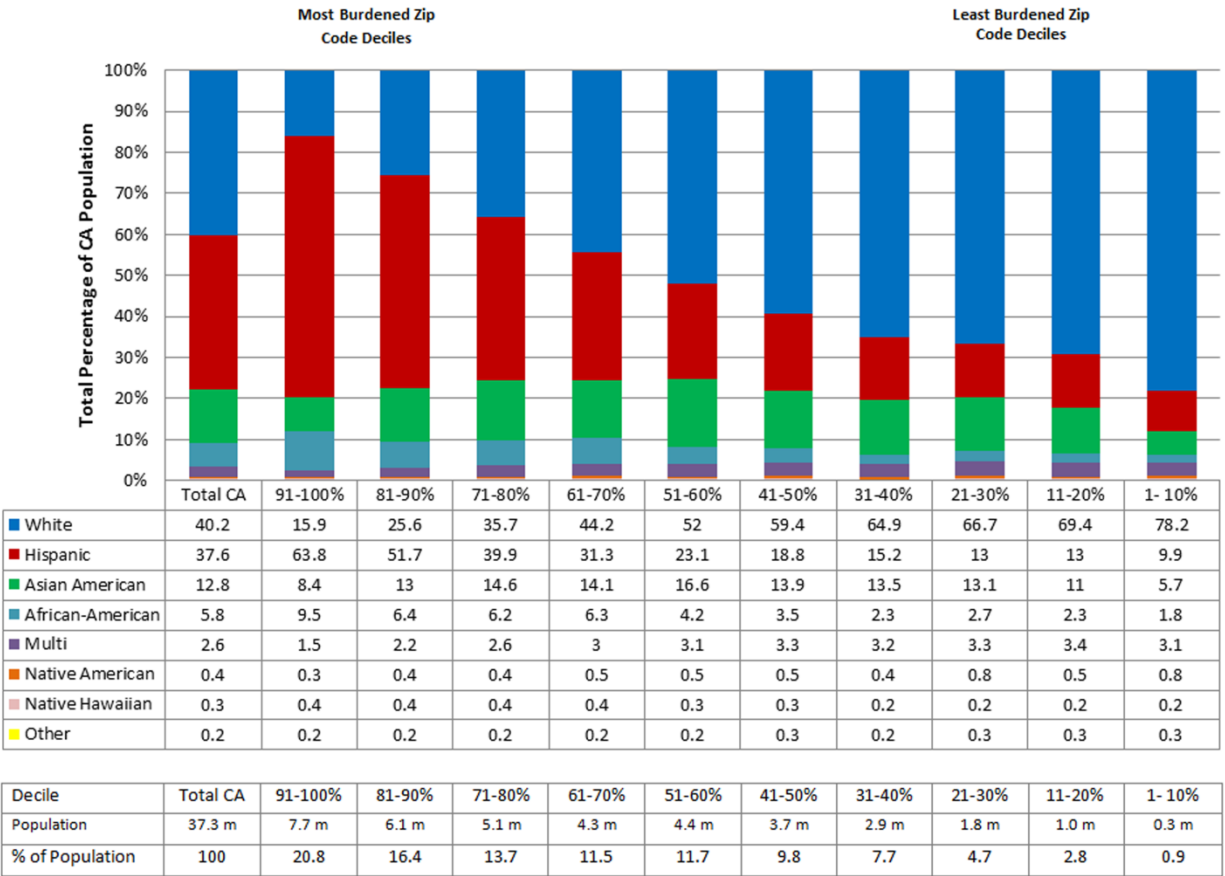
**51%**  
of residents live in poverty compared to 29.4% of the rest of the state



**32%**  
of California's toxic cleanup sites are found in these ZIP codes

CalEnviroScreen was developed for CalEPA and its BDOs. Potential uses of CalEnviroScreen by CalEPA and its BDOs include administering environmental justice grants, promoting greater compliance with environmental laws, prioritizing site-cleanup activities, and identifying opportunities for sustainable economic development in heavily impacted neighborhoods. Other entities and interested parties may identify additional uses for this tool and the information it provides.

CalEnviroScreen informs CalEPA's identification of disadvantaged communities pursuant to SB 535. SB 535 requires CalEPA to identify disadvantaged communities based on geographic, socioeconomic, public health, and environmental hazard criteria. It also requires that the investment plan developed and submitted to the Legislature pursuant to AB 1532 (John A. Pérez, Chapter 807, Statutes of 2012) allocate no less than 25 percent of available proceeds from the carbon auctions held under AB 32 (California's Global Warming Solutions Act of 2006) to projects that will benefit these disadvantaged communities. At least 10 percent of the available moneys from these auctions must be directly allocated to projects in such communities. Since CalEnviroScreen has been developed to identify areas that are disproportionately affected by pollution and those areas whose populations are socioeconomically disadvantaged, it is well suited for the purposes described by SB 535.



The tool will be useful in administering the Agency’s Environmental Justice Small Grant Program, and may guide other grant programs as well as environmental education and community programs throughout the state. It will also help to inform Agency boards and departments when they are budgeting limited resources for cleanup and abatement projects. Additionally, CalEnviroScreen will help to guide boards and departments when planning their community engagement and outreach efforts. Knowing which areas of the state have higher relative environmental burdens will not only help with efforts to increase compliance with environmental laws in disproportionately impacted areas, but also will provide CalEPA and its boards, departments, and office with additional insights on the potential implications of their activities and decisions.

## Environmental Justice Compliance and Enforcement Working Group

CalEPA is committed to ensuring that areas disproportionately impacted by multiple pollution sources and more vulnerable to the effects of pollution are given due consideration in all Agency activities. This includes statewide efforts to ensure regulated entities are complying with environmental laws. Consistent with this commitment, CalEPA has established an Environmental Justice Compliance and Enforcement Working Group, which includes staff from all of the CalEPA boards, departments and office.

In collaboration with local partners, this group will identify disproportionately impacted areas using CalEnviroScreen and other data and work to increase compliance in those areas. Additionally, the working group will enhance communications with residents and seek input from affected communities on various aspects of the initiative. Through these collective efforts, CalEPA will advance environmental justice goals of fair treatment and meaningful community involvement and strengthen the Agency's ability to consider multiple pollution sources during compliance and enforcement initiatives.

The working group's goals are as follows:

- Advance the environmental justice goals of CalEPA's Intra-Agency Environmental Justice Strategy through targeted compliance assistance and enforcement in areas disproportionately impacted by health and environmental factors.
- Provide community stakeholders with meaningful opportunities for input on potential environmental justice concerns and the implementation of proposed remedies.
- Incorporate community input in planning and implementing compliance assistance and enforcement initiatives in disproportionately impacted areas.
- Increase coordination among CalEPA boards and departments to facilitate cross-media compliance and enforcement efforts.
- Increase compliance in disproportionately impacted areas to prevent and reduce burdens.
- Improve communication with communities and the public regarding environmental justice concerns and the benefits of compliance and enforcement actions.
- Tailor remedies in compliance and enforcement actions to improve and address concerns within disproportionately impacted areas.

- Improve and increase environmental monitoring to determine levels of exposure and risk and track improvements over time.
- Develop and implement protocols to provide community stakeholders with compliance and enforcement information, such as inspection reports and notices of violations.
- Invite local agency partners to participate in the working group.
- Increase coordination with local, state, and federal regulatory and law enforcement agencies in compliance and enforcement efforts in disproportionately impacted areas.

## Environmental Justice Small Grants

The passage of AB 2312 (Chu, Chapter 994, Statutes of 2002) established an environmental justice small grants program at CalEPA. Since its inception in 2002, the environmental justice small grants program has awarded more than \$1.1 million to 47 community-based organizations and federally recognized tribal governments that address environmental justice issues at a grassroots level.

The program is designed to support and empower communities working on solutions to local environmental and public health issues. It also seeks to assist recipients in building collaborative partnerships to help them understand and address environmental and public health issues in their communities. This year, the program aimed to fund projects that:

- Improve access to safe and clean water.
- Reduce the potential for exposure to pesticides and toxic chemicals.
- Promote community capacity building -- improve communities' and tribes' understanding of the technical and procedural aspects of environmental decision-making.
- Promote the development of community-based research that protects and enhances public health and the environment.
- Address cumulative impacts through collaboration between community-based organizations and local government.

CalEPA awarded nearly \$250,000 to the following 13 community-based, local, and tribal organizations working with communities facing environmental justice issues in 2013.

### **Big Sandy Rancheria, Auberry, Fresno County (\$14,192)**

This project will educate residents of the Big Sandy Rancheria about toxic household cleaning products, and how to manage and maintain septic systems and leach fields in

order to avoid environmental problems. The project will also provide information about how to make inexpensive non-toxic household cleaners. These cleaners are healthier for household members, present no problem for septic systems, and have fewer impacts on the broader environment. In addition, the project will educate residents about how to identify and properly dispose of other household hazardous waste—including paint, fertilizers, batteries and oil—in order to prevent the contamination of the Rancheria's groundwater, well water, and local streams. The Rancheria has 151 tribal member residents.

**California Indian Environmental Alliance, Northern California (\$20,000)**

The "Making Healthy Fish Choices Klamath Region Women, Infants, and Children (WIC) Program" project aims to reduce the exposure of vulnerable populations in the region to mercury and polychlorinated biphenyls (PCBs). Residents of this region are typically exposed to these toxins through fish consumption. The project will target women of childbearing age, pregnant women, infants, and young children. It will reduce exposure by educating over 500 families and their health care providers about how to use national and local fish advisories, and the benefits of eating fish low in toxins.

**Central California Environmental Justice Network, Kern and Fresno Counties (\$20,000)**

The "Building Community Capacity to Monitor, Track, and Address Environmental Health Hazards in Kern and Fresno Counties" project will support the maintenance and improvement of two web-based reporting systems that allow residents to report environmental hazards and notify agencies responsible for investigating and addressing potential environmental violations. The project will train residents to use the reporting systems and conduct outreach in the environmental justice communities of Wasco and Arvin in Kern County and Huron and West Fresno in Fresno County, educating at least 600 residents. The web-based reporting systems are located at [www.fresnoreport.org](http://www.fresnoreport.org) and [www.kernreport.org](http://www.kernreport.org). The fiscal sponsor for the project is Social and Environmental Entrepreneurs.

**Coalition for a Safe Environment, Los Angeles (\$20,000)**

The Coalition for a Safe Environment and the Los Angeles Community Environmental Enforcement Network will monitor air quality in a predominately Latino neighborhood in Wilmington, Calif., impacted by heavy industrial land uses. The project aims to reduce exposure to toxic air pollutants through a website providing both real-time data reporting and the ability for residents to make incident reports in English and Spanish. Data gathered through the air monitor and reports will be shared with community members and local, state and federal regulators. The project will focus on approximately 500 residents.

### **Comité Civico del Valle, San Diego/Imperial County (\$20,000)**

The Comité Civico del Valle Project will conduct two environmental justice leadership summits in conjunction with a bus tour in the Imperial and Coachella Valleys. The summits will be two-day events with a projected attendance of at least 300. The target audience for the summits are local residents, community partners, parents, commissioners, business leaders, and government representatives. The summits will disseminate research addressing local environmental health issues and concerns, and provide workshops on how to address health concerns related to air particulate matter and water contamination, understanding the California Environmental Quality Act, and understanding enforcement protocols.

### **Communities for a Better Environment (CBE), East Oakland (\$20,000)**

This project focuses on concerns about exposure to toxic pollutants raised by parents in the Elmhurst neighborhood of East Oakland. CBE staff will work with at least 100 community members, with an emphasis on Spanish speakers, to conduct training on environmental justice and cumulative impacts. They will also conduct a series of trainings with at least 30 community members on public participation in environmental decision-making, environmental cleanup and permitting processes. The project will also collect data regarding toxic pollutants in the neighborhood. The data will be shared with the community, elected officials and the Department of Toxic Substances Control.

### **Community Water Center, Southern San Joaquin Valley (\$20,000)**

The Community Water Center project will help address the lack of safe and affordable drinking water in rural communities. This will be achieved by providing ongoing technical assistance and support coordination in at least five environmental justice communities in the southern San Joaquin Valley. The support will be designed to enhance effective community participation in addressing local community water challenges and their root causes, such as nitrate contamination of drinking water sources. It will also support local efforts to educate decision-makers, agencies, and other organizations on community water challenges and efforts to address them.

### **Del Amo Action Committee, Los Angeles (\$20,000)**

The Del Amo Action Committee Project will work with leaders of environmental justice organizations in the greater Los Angeles area in order to build their capacity to participate in environmental justice policy discussions at the local and state level. The project seeks to facilitate input and collaboration with governmental bodies on issues such as reducing exposures to toxic chemicals in disproportionately impacted communities, improving regulatory enforcement in environmental justice communities, building the capacity of grassroots groups, and enhancing meaningful participation by

those most impacted by governmental decisions related to environmental justice communities.

**Greenaction for Health and Environmental Justice, Kettleman City (\$20,000)**

The Greenaction for Health and Environmental Justice project will focus on building the skills, knowledge and capacity of community members in Kettleman City by training new youth and adult leaders. It will recruit youth and adults to participate in the Greenaction Leadership Academy. The academy will educate residents about environmental health issues—including reproductive and children's health, and cumulative impacts—and about how to increase civic engagement in governmental decision-making processes to reduce pollution. It will provide five in-classroom trainings, two days of community education, one outreach session speaking to truck drivers about diesel idling, and one public meeting speaking on an issue affecting the community. The academy will be conducted in Spanish and English and curriculum materials will be provided in both languages.

**National Justice Indian Center, Statewide (\$20,000)**

The goal of the National Indian Justice Center project is to increase the capacity of tribal, state and local environmental regulatory agencies to work cooperatively on issues of environmental quality and enforcement on and near California tribal lands. The project will develop a training curriculum to address tribal environmental enforcement issues; design a self-paced, online course on these issues; and provide training to tribal governments. The project will offer the course to 120 or more members of the target audience and conduct an evaluation of the curriculum once the course is complete.

**Pacific Institute, McCloud River Area, Northern California (\$20,000)**

The Pacific Institute project will build the capacity of members of the Winnemem Wintu Tribe to map their environment and communicate research and solutions regarding the environmental justice challenges they face. The Winnemem Wintu are a small, federally unrecognized tribe of 150 members connected to the McCloud River, Mount Shasta, and the surrounding meadows in Shasta County. The challenges they face include issues related to sacred sites, cultural survival, water reliability, and fish habitat. This participatory research project will generate data, maps, and a research report that the Tribe will use to more fully participate in decision-making processes affecting their health, environment, and culture.

**Pacoima Beautiful, Los Angeles (\$15,000)**

The Pacoima Beautiful project will provide an educational workshop program to prepare residents in Pacoima for full participation in governance and regulatory processes. Pacoima Beautiful will develop a comprehensive People's Planning School curriculum to



train residents in the civic process, public speaking, land use and urban design, and other key environmental issues. This workshop series will also serve to form a responsive team of community leaders capable of confidently advocating for needed changes and improvements in their community.

**Rose Foundation for Communities and the Environment, Oakland and Richmond  
(\$19,983)**

The Rose Foundation's New Voices Are Rising project is a youth-focused, community-driven educational program focused on environmental justice and civic engagement. The project works with low-income students and students of color in Alameda and Contra Costa counties. Its curriculum combines civic education with hands-on exercises about the links between toxic pollution and health impacts, climate change and community vulnerability, and community members and environmental decision-making. Students will develop and practice skills in issue analysis, community mapping and impact analysis, argument development, community outreach, and public speaking.

# Environmental Justice

## Accomplishments and Goals

### Air Resources Board (ARB)

Since the Air Resources Board (ARB) adopted environmental justice policies and actions 10 years ago, environmental justice concerns have informed its priorities and shaped its programs, notably for diesel emission reductions from goods movement activities. ARB has partnered with local and community organizations, carried out research projects, conducted assessments of communities, ports and rail yards, adopted regulations, and refocused enforcement efforts and incentive programs, all in support of environmental justice goals. These actions have resulted in large improvements in air quality, especially in those communities where air pollution impacts have historically been the greatest. As its programs continue to move forward, ARB is committed to ensuring progress on environmental justice while meeting its air quality and climate change goals.

## Accomplishments

### Port Communities

- **Reduction in diesel pollution:** Neighborhoods around ports are exposed to higher levels of air pollution than most communities, and those neighborhoods include a large proportion of socially and economically disadvantaged residents. Reducing emissions from activities around ports represents a major opportunity to advance environmental justice. Since 2005, ARB's Goods Movement program has achieved roughly a 50 percent reduction in diesel pollution from the largest ports and highest risk rail yards in California.



- **Reducing emissions from diesel trucks:** In 2007, ARB adopted a rule (known as the Drayage Truck Rule) aimed at reducing emissions from diesel trucks serving ports and intermodal rail yards. ARB amended the rule in 2010 to close a loophole and ensure that a cargo container is handled by a clean truck throughout its transport in California.
- **Reducing emissions from ships:** In 2009, ARB began implementation of Ocean-Going Vessel regulations requiring large ships to burn cleaner fuel when approaching ports. In 2011, the Ocean-Going Vessel regulation was amended to expand the regulatory boundary in southern California.



- **Enforcement:** As ARB works to implement these new regulations, enforcement efforts have become a major focus for the board. ARB has conducted over 29,000 diesel vehicle inspections in disproportionately burdened areas, including ports, over the past three years. The non-compliance rate dropped steadily from 22 percent in 2010 to 16 percent in 2011 to 10 percent in 2012. Enforcement presence at ports and other areas is proving to be an effective deterrent to non-compliance. ARB established a memorandum of understanding (MOU) with the Port Police at the Port of Los Angeles to ensure that drayage trucks servicing the Port comply with diesel regulations. ARB also has an MOU with the Bay Area Air Quality Management District to enforce diesel regulations in areas of concentrated goods movement, such as the Port of Oakland and rail yards. ARB continues to explore options for MOUs with other agencies to expand its enforcement presence throughout the state.
- **Incentives to reduce emissions:** Incentive programs have also helped reduce emissions from port activities. Over \$200 million of funds from Proposition 1B have been spent upgrading drayage trucks and installing shore-based electrical power for ships at California's major ports.

## Near-Roadway Neighborhoods

Residents of neighborhoods near freeways and other major roadways are exposed to a disproportionate share of emissions impacts from vehicle traffic. Traffic-related air pollution can represent a significant source of exposure to air pollution in disadvantaged urban communities. Since setting the nation's first tailpipe emission standards in 1961, California has led the nation in adopting a series of progressively tighter standards.

- **Reducing PM2.5:** In 2012, ARB adopted the Advanced Clean Car regulation to reduce emissions from passenger vehicles. Among other benefits, this regulation will reduce emissions of fine particles (PM2.5), a major contributor to reduced life expectancy, hospitalizations, and potentially other adverse health impacts of air pollution.
- **Truck and Bus Rule:** ARB's Truck and Bus Rule has also resulted in significant reductions of harmful diesel exhaust emissions near roadways.
- **"No-idling" signs:** Specifically targeting neighborhood-level exposure, in the last three years ARB arranged for the production of "no-idling" signs near ports, rail yards, schools and other locations to discourage illegal idling. ARB is partnering with US EPA to contract for posting additional signs throughout southern California and southern San Joaquin Valley communities. ARB will continue to work with community leaders and local government agencies to place the remaining signs to protect the public from diesel emissions where needed throughout California.
- **Replacing aging trucks and buses in disproportionately impacted communities:** Incentive programs such as the Carl Moyer program provided funding to replace aging trucks and buses with cleaner ones. AB 1390 (Firebaugh, Chapter 763, Statutes of 2001) specifically directs that at least half of the funds disbursed through this program in air districts with a population of more than one million residents be spent on reducing air contaminants in disproportionately impacted communities. In fiscal year 2011/2012, \$25 million was spent on projects in such communities.
- **Goods Movement Emissions Reduction Program:** In 2013, local air districts began to hold public solicitations for Proposition 1B: Goods Movement Emissions Reduction Program heavy-duty diesel truck project applications. Solicitations for locomotive, ships at berth/cargo handling equipment, and commercial harbor craft



projects will begin as funds become available. These funds provide incentives to diesel equipment owners to upgrade to cleaner models to achieve early or extra emission reductions prior to regulatory requirements, thus reducing diesel freight emissions and related health risks near ports, rail yards, freeways, and distribution centers.

## Climate Change

With the passage of California's landmark AB 32, the Global Warming Solutions Act of 2006, California leaped to the forefront of the international effort to reduce greenhouse gas emissions. While the focus of AB 32 is greenhouse gases, many of the technological advances and shifts in economic and transportation activity necessary to meet climate goals are also necessary to meet health-based air quality standards. Reducing combustion of fossil fuels will provide direct public health benefits and reduce greenhouse gases.

- **Environmental Justice Advisory Committee:** AB 32 directed ARB to convene an Environmental Justice Advisory Committee (EJAC) to advise the Board in developing the scoping plan of emission reduction measures and other pertinent matters in implementing the bill. ARB convened an EJAC in January 2007 to advise it on the development of California's Climate Change Scoping Plan (Scoping Plan). The Scoping Plan must be updated at least once every five years. In January 2013, staff solicited nominations to reconvene the EJAC to advise in the development of the 2013 Scoping Plan Update. The reconstituted EJAC met three times in 2013 to discuss the development of and provide input on the 2013 Scoping Plan Update.
- **Responding to concerns of environmental justice groups:** In implementing AB 32, ARB has taken actions to respond to concerns raised by environmental justice groups. For example, in response to comments expressing the concern that the cap-and-trade program may result in localized air pollution impacts to communities, ARB incorporated an Adaptive Management Program as part of the Cap-and-Trade Regulation. The Adaptive Management Program is being developed to gather, review, and analyze information, and to promote public health and other benefits in all communities. ARB is also implementing a regulation requiring the largest stationary sources of greenhouse gas emissions to conduct audits to identify potential greenhouse gas emission reductions, and the associated co-benefits. ARB will evaluate the audit results as well as other information, and make recommendations on potential future actions to reduce greenhouse gas emissions from these large stationary sources.

## Responding to Community Concerns

- **Capacity to Assess Cumulative Impacts:** Beginning with its first neighborhood assessment in the Barrio Logan community near the Port of San Diego in 1999, ARB has gained experience and capability in responding to community health concerns by deploying measurement instruments, analyzing results, performing modeling and meteorological studies to support these analyses, and taking action to address problems that are identified.
- **Kettleman City:** In 2010, CalEPA and the Department of Public Health conducted environmental monitoring as part of an investigation of an apparent increase in the number of infants born with birth defects after 2006 in Kettleman City, a San Joaquin Valley community. Scientists from each of CalEPA's boards, departments, and office (including ARB) participated in the project, assessing potential contaminants and testing for chemicals that could cause birth defects and other adverse health effects. ARB contributed to the investigation by conducting air monitoring and related laboratory analysis to assess potential exposure to local sources of air pollution. CalEPA's investigation found levels of environmental pollutants in the air, water, and soil of Kettleman City comparable to those found in other San Joaquin Valley communities. The Agency's comprehensive investigation did not find a specific cause or environmental exposure among the mothers that would explain the increase in the number of children born with birth defects in Kettleman City.
- **Environmental Reporting Networks:** The Fresno Environmental Reporting Network (FERN), Imperial Valley Environmental Reporting Network, and Kern Environmental Enforcement Network (KEEN) are community task forces that bring together residents and local, state, and federal government agencies to address issues that threaten the health of community members. These task forces have all established online complaint processes to address concerns regarding illegal dumping, industrial pollution, pesticide exposure, flooding, dust, odors, and other types of environmental concerns. The Air Resources Board, the Department of Pesticide Regulation, the Department of Toxic Substances Control, and the Regional Water Quality Control Boards support these local networks by ensuring that staff are available for meetings and to assist with concerns that fall within their regulatory authority.

## Research

With a view toward future progress, ARB maintains an active research program in the area of community health and environmental justice. A series of contracts with academic researchers to develop methodologies for prioritizing communities for environmental justice projects, most recently in 2010, laid the foundation for the CalEnviroScreen tool. In 2012, ARB released a status report on research related to potential ways to mitigate exposure to nearby traffic pollution. The report discussed ARB's 2005 recommendations on siting for housing and other sensitive uses (500 feet from major roadways and 1,000 feet from busy distribution centers and rail yards), and noted that differential exposure to high air pollution near high traffic roadways compared to other locations makes the siting of housing in those locations a continuing health concern. Other major areas of focus are measuring air pollution impacts near freeways, ports and other major sources, and research on filtration systems to reduce penetration of air contaminants into buildings and vehicles.

## Goals

- **Cap and Trade:** In addition to the on-going environmental justice activities, in 2013 ARB held a public hearing on the Administration's Investment Plan for the use of auction proceeds from the Cap-and-Trade program to reduce greenhouse gases. Legislation passed in 2012 requires that 25 percent of cap and trade auction proceeds expended must benefit the disadvantaged communities identified by CalEPA and at least 10 percent of the proceeds be expended on projects located within those communities. CalEPA identified those communities using CalEnviroScreen, a methodology developed by OEHHA. ARB will continue to support OEHHA in the maintenance and refinement of CalEnviroScreen.
- **Environmental Justice Advisory Committee:** ARB will work closely with the re-convened Environmental Justice Advisory Committee to advise the Board in developing the Scoping Plan Update, to be released in 2014.
- **Sustainable Freight Strategy:** ARB staff will also continue the collaborative effort to develop a sustainable freight strategy. In April 2013, the South Coast Air Quality Management District, along with ARB, the San Joaquin Valley Air Pollution Control District, and other partners held a technology conference aimed at evaluating zero and near-zero emission technologies for moving goods around California. The technology conference was followed by the 2013 Haagen-Smit Symposium in May 2013. The Symposium included a wide variety of freight stakeholders from government, environmental, environmental justice,

and industry interests; and focused on developing a broad-based coalition supportive of a future sustainable freight transport system.

- **Refinery Monitoring:** Through an initiative launched by the Governor's Office, ARB is working with local air districts to assess and improve air monitoring in the neighborhoods surrounding refineries, including making real-time air monitoring information available through a new website.



## Department of Pesticide Regulation (DPR)

The Department of Pesticide Regulation (DPR) is committed to working with government agencies, communities, advocacy groups, regulated industries, and other parties to ensure environmental justice. DPR works to incorporate environmental justice into its programs and activities by:

- Ensuring DPR's programs, policies, and activities focus on those communities most impacted by pesticides;
- Ensuring that outreach materials are made available to the public;
- Ensuring that DPR provides outreach to environmental justice communities by providing them with accessible and meaningful opportunities to learn about DPR's programs and to provide input; and
- Maintaining transparency and effectiveness in public participation through the use of advisory committees, workshops, and other forums.

DPR has taken steps to ensure meaningful public participation, to strengthen field enforcement, and make its decision-making more transparent and understandable. Significant strides have also been taken to reduce health and environmental risk and conduct outreach to workers and others that may be impacted by pesticide use.

## Accomplishments



## Research Grants to Reduce Risks Associated with Pesticide Exposure

The 2012-13 California State budget authorized DPR's new Pest Management Research Grants Program. This program provides \$1 million in fiscal year 2012-13 and 2013-14, and \$500,000 annually in subsequent years, for research grants that help develop practices that reduce the use of high-risk pesticides and the risk of unanticipated effects on public health and the environment. Priority research topics include field agricultural fumigants and organophosphate insecticides. Grant proposals must contribute to an integrated pest management system, reducing the use of pesticides.

Fumigants are gaseous pesticides injected into the soil of agricultural fields prior to planting. Although soil fumigant applications are carefully controlled, they may result in air pollution and bystander exposures.

In June 2013, DPR announced the recipients of the 2012-13 grants:

- UC Santa Cruz, \$399,304: The research will examine alternatives to soil fumigants and organophosphate insecticides to manage plant diseases, nematodes, and root-destroying insects in crops like broccoli and Brussels sprouts on the Central Coast.
- U.S. Department of Agriculture-Agricultural Research Service (USDA-ARS), \$130,578: This proposal aims to reduce nonessential fumigant usage by up to 50 percent in almond and stone fruit orchards in the Central Valley.
- UC Davis, \$153,289: This grant will help fund further research on alternatives to the use of methyl bromide in strawberry nurseries.
- UC Division of Agriculture and Natural Resources (UC Statewide Integrated Pest Management Program) \$302,542: The research explores ways to better manage pests that affect lettuce and cole crops like broccoli while reducing the use of organophosphate insecticides that can contaminate local waterways.

## Fumigants

- **Chloropicrin Regulations:** DPR is proposing mitigation measures designed to protect bystanders and residents from acute (short-term) exposures to chloropicrin used as a soil fumigant. The proposed controls are intended to reduce risk from acute (short-term) exposures that might occur near fields fumigated with products containing chloropicrin. Although chloropicrin is often added to other fumigants to act as a warning agent, the controls DPR is proposing are only for its use as a soil fumigant. DPR began work on these mitigation measures in 2011, shortly after chloropicrin was designated a toxic air contaminant. The proposed mitigation measures include additional rules related to buffer zones, buffer zone credits, acreage limits, time periods between applications with overlapping buffer zones, emergency preparedness and response; and notice of intent requirements.
- **Methyl Bromide Field Fumigation Regulations:** Methyl bromide is used to fumigate soil prior to planting. DPR promulgated new methyl bromide regulations in order to increase protections for the public and workers. The new regulations reduce the potential for bystander exposures in and around fields where methyl bromide is used. The regulations revised previous limits on the amount of methyl bromide that can be applied in any calendar month in any township, required that buffer zone sizes and durations be at least as protective as those recommended by DPR, revised the maximum number of hours in any 24 hour period that an employee engaged in the injection of methyl bromide may work, and strengthened the requirement that workers engaged in field fumigation wear respirators.
- **Strawberry Research Partnership and New Research Grant Program:** DPR and the California Strawberry Commission launched a research partnership to explore ways to grow strawberries in peat or substances other than soil. The objective of this \$500,000, three-year project is to provide even more tools to safely and economically grow strawberries in our state.
- **Strawberry Working Group:** DPR convened a diverse work group of scientists and other specialists to develop a five-year action plan to accelerate the



development of management tools and practices to control soil-borne pests in strawberry fields without using fumigants. The 10-member work group released its plan in April 2013.

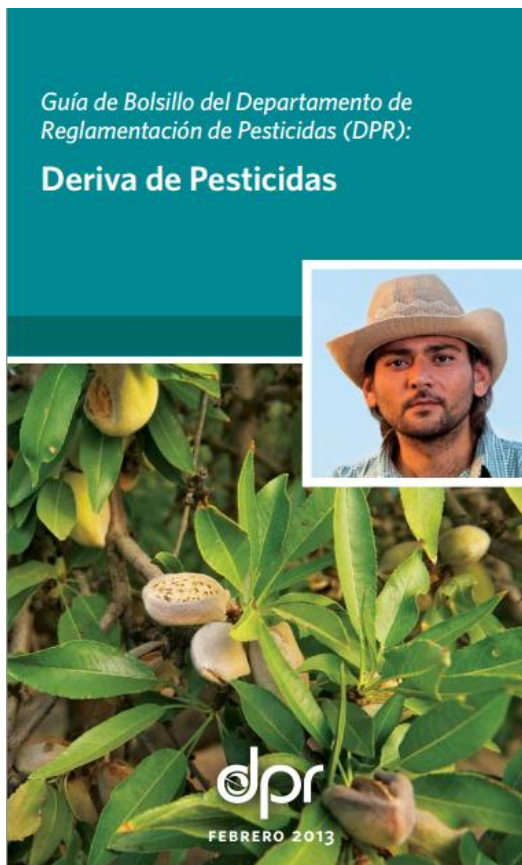
- **U.S. EPA Soil Fumigant Promotores Workshops:** The goal of this project was to educate workers and bystanders about proper soil fumigation techniques, how to recognize potential problems, and where to report potential problems. Three Spanish language workshops were conducted by bilingual US EPA Region 9 staff in collaboration with bilingual DPR Worker Health and Safety staff. The workshops were conducted in the fall of 2012 at locations in Tulare, Santa Barbara, and Monterey counties for promotores (health educators). Santa Barbara and Monterey counties are two of the five highest methyl bromide use counties in the state.
- **DPR Soil Fumigant Training:** U.S. EPA's new label restrictions for soil fumigants went into effect December 1, 2012. DPR reconciled these tougher restrictions for buffer zone distances, acreage limitations, emergency preparedness, response requirements, and other measures with existing California laws and regulations to ensure the most restrictive requirements were implemented. DPR and U.S. EPA conducted six training sessions statewide for county agricultural commissioner enforcement staff. The training sessions included an overview of the new federal requirements, how to evaluate restricted material permit applications, how to conduct field inspections, and how to implement the new labels in accordance with California requirements. More than 200 county staff attended the sessions.

## **Pesticide Safety**

- **Creation of New Subcategory for Qualified Applicator Licenses:** Prior to the adoption of this regulation, maintenance gardeners were required to take and pass a Qualified Applicator Certificate examination in Landscape Maintenance Pest Control to legally operate. The examination for this category tested on comprehensive and challenging material designed to meet federal requirements for those applying restricted materials. As a result, very few maintenance gardeners engaging in pest control actually obtained a license and complied with the law. In order to bring such maintenance gardeners into compliance and allow them to operate without potential legal liability, but still assure they had an understanding of issues involving pesticide use and potential impacts to residents, children, pets, and the environment, DPR created a new licensing subcategory that did not carry the authority to apply restricted materials with its own more basic study guide and examination.

- **Community Guide to Recognizing and Reporting Pesticide Problems:**

Published in 2008 (bilingual English/Spanish) this 34-page guide offers plain-language explanations that focus on practical solutions for real-world situations. In addition to earlier distribution, in 2011, both a hard copy and a CD were sent to 97 school districts in five counties with high fumigant use and with significant numbers of Latino school children. California Poison Control Centers use the materials for staff training. DPR outreach specialists distribute the guide and other safety information at health and community fairs in Latino communities. The Spanish guide was reprinted in 2012.



- **Toll-Free Pest Line:** Outreach

wallet cards were distributed to farmworkers with information for contacting the County Agricultural Commissioner, 1-877-378-5463 (1-87-PestLine and Poison Control, 1-800-222-1222). These toll-free lines are in wide distribution and included on fact sheets, community guides, and DPR's website.

- **Worker Health and Safety Outreach:** In 2008, DPR expanded worker outreach by assigning a full-time, bilingual staff member that serves as a liaison to worker advocates, health professionals, and community workers. This outreach specialist works with other DPR staff to provide information on pesticide safety and the rights of employees. Each year, DPR staff take part in community meetings, health conferences, and other events to educate and promote pesticide safety for workers and their families. Staff also promote pesticide safety in guest appearances on Spanish-language media outlets in the Central Valley, Central Coast, Bay Area, Sacramento Valley, and Imperial Valley. Since 2010, staff participated in over 180 outreach events focused on workers and families.

- **Physician Training:** In 2011, DPR funded a project to train community members who serve as liaisons between their community and health and social service organizations, to recognize symptoms of pesticide exposure, the importance of



reporting suspected exposure, and where to refer exposed persons to obtain advice and medical care.

- **Poison Control:** DPR provided \$750,000 to the California Poison Control System to develop a Spanish language training program specifically designed for promotoras to educate migrant workers about pesticide hazards and what to do in the event they get exposed. Promotoras are lay community members who receive specialized training to provide basic health education in the community. The website, training videos, and train-the-trainer information were made available statewide in June 2013.
- **Pesticide Safety Videos and Public Service Announcements:** DPR published five videos designed to help community health workers discuss pesticide exposure and safety with farm workers. In July and August of 2013, DPR produced and broadcasted a public service announcement on Spanish language radio stations in the five counties of highest methyl bromide use to educate parents on how to protect their children from exposure to agricultural pesticides. The PSA's advertised the Toll-Free Pest Line, for contacting the County Agricultural Commissioners, 1-877-378-5463, and Poison Control, 1-800-222-1222, for reporting pesticide illnesses.



### **Pest Management Alliance Grants**

DPR's Pest Management Alliance Grant Program, established in 1997, provides funding for projects that increase implementation and adoption of proven and effective integrated pest management (IPM) practices that reduce pesticide risks to human health and the environment. A key component of these projects is the formation of an alliance, a team of individuals representing state, local, public, private, educational, and other stakeholders in the adoption and implementation of urban and agricultural IPM practices. DPR has awarded approximately \$1.4 million for nine Alliance Grant projects

conducted from 2010 to 2012. Some of these projects encourage a better knowledge base for good IPM decision-making that involves underserved communities and gathering data and conducting research to better serve environmental justice communities. Such projects include:

- **Expanding Integrated Pest Management Education to Southern California Spanish-speaking Landscapers**  
The goal of this project is to reduce runoff and groundwater pollution from improperly applied pesticides that contribute to water quality degradation in Southern California's urban areas. The project targets the estimated 75,000 Spanish-speaking landscapers employed in the public and private sector in Southern California who are responsible for maintaining parks, golf courses, schools and large private plantings. There are few opportunities to receive training in Spanish on IPM practices stressing prevention and on applying pesticides safely. Putting the results of this training into practice is expected to reduce runoff and improve the health and safety of the workers.
- **Healthy Homes Alliance:** The goal of this project was to increase access to safe and effective pest management methods and promote IPM practices in primarily low-income housing where poor building maintenance and other long-term conditions promote ongoing pest infestations. Partners included the Healthy Home Collaborative, Colby Pest Control, Pestec IPM Pest Control of San Francisco, Green Shield Certified, Californians for Pesticide Reform, and community groups Esperanza Community Housing Corporation, Coalition for Economic Survival, People's CORE, Los Angeles Community Legal Center, and Inquilinos Unidos. This project concluded in spring 2012.
- **IPM Continuing Education for Maintenance Gardeners:** The goal of this project was to educate local maintenance gardeners and staff at retail pesticide outlets about IPM practices and to reduce pesticide runoff into San Luis Obispo County's urban creeks. Most maintenance gardeners primarily speak Spanish, do not know they need a maintenance gardener pest control business license to apply pesticides, and have limited knowledge about IPM practices or alternatives to pesticides. A 2007 survey by the County Agricultural Commissioner's office found that 82 percent of these gardeners were in violation of state pesticide rules. The County and its community partners offer free, seasonal IPM workshops at participating retailers that include training on proper pest identification methods, alternatives to chemical pest controls, and information about less-toxic pesticides. Workshops are presented in English and Spanish. In addition to San Luis Obispo County, partners include University of California Cooperative Extension; the Pesticide Applicators Professional Association; and California Polytechnic State University, San Luis Obispo, Horticulture and Crops Science Department.

## Compliance and Enforcement

- **Enforcement Response Regulations:** In 2011, DPR clarified and strengthened regulations originally adopted 2006. The rulemaking implemented a uniform enforcement response by County Agricultural Commissioners' offices for violations of pesticide use laws, including those designed to protect the health of individuals who apply pesticides, or work or live near fields where pesticides are applied. The intent was to ensure that that all workers and the public benefited equally from strong and uniform enforcement regardless of where they worked or lived.
- **Environmental Reporting Networks:** The Fresno Environmental Reporting Network (FERN), Imperial Valley Environmental Reporting Network, and Kern Environmental Enforcement Network (KEEN) are community task forces that bring together residents and local, state, and federal government agencies to address issues that threaten the health of community members. These task forces have all established online complaint processes to address concerns regarding illegal dumping, industrial pollution, pesticide exposure, flooding, dust, odors, and other types of environmental concerns. The Air Resources Board, the Department of Pesticide Regulation, the Department of Toxic Substances Control, and the Regional Water Quality Control Boards support these local networks by ensuring that staff are available for meetings and to assist with concerns that fall under their regulatory authority.
- **Breaking Barriers:** Since 2009, DPR's Enforcement and Worker Health and Safety branches, in conjunction with U.S. EPA Region 9, have provided one-day "Breaking Barriers" training sessions in various locations throughout California to assist non-Spanish speaking inspectors who interview Spanish speaking field workers and applicators. The course is targeted towards County Agricultural Commissioner inspectors currently conducting fieldworker safety inspections and agricultural pesticide monitoring inspections (such as pesticide use, field fumigation, and commodity fumigation).



## Environmental Monitoring

- **Air Monitoring:** DPR established an air monitoring network in February 2011 in Kern, Monterey, and San Joaquin counties to expand its knowledge of the potential health risks of long-term exposure to pesticides. The network is the first of its kind in the nation. No state or federal agency had established health standards for pesticides in air. DPR developed health screening levels for the monitored pesticides to place the results in a health-based context. The first monitoring results of 34 pesticides and five pesticide breakdown products released in July 2012 showed residues well below DPR's health screening levels.
- **Kettleman City Project:** In 2010, CalEPA and the Department of Public Health conducted environmental monitoring as part of an investigation of an apparent increase in the number of infants born with birth defects after 2006 in Kettleman City, a San Joaquin Valley community. Scientists from each of CalEPA's boards, departments, and office, (including DPR) participated in the project, assessing potential contaminants and testing for chemicals that could cause birth defects and other adverse health effects. DPR compiled information for 19 pesticides used within five miles of Kettleman City between late 2006 and 2009. DPR then estimated airborne pesticide levels in the community during that period. In the summer of 2010, DPR also tested the air for 27 pesticides, including four that could cause birth defects. Computer modeling and air monitoring showed that screening levels were exceeded for a sole pesticide for only one particular day. Tests of agricultural soil found no evidence of pesticide levels that pose a health risk concern. The Agency's inclusive investigation did not find a specific cause or environmental exposure among the mothers that would explain the increase in the number of children born with birth defects in Kettleman City.

# Goals

## Nonfumigants

- **Volatile Organic Compounds (VOCs) regulations in the San Joaquin Valley:** Building on previous regulations restricting the use of fumigant pesticides, VOC regulations restrict the use of certain nonfumigants in the San Joaquin Valley. The regulations will reduce VOC emissions from pesticides to meet the state's obligation under the state implementation plan to achieve and maintain federal ambient air quality standards for ozone. These regulations also require that purchasers obtain a written recommendation from a licensed pest control adviser when buying products containing the specified VOCs. These regulations completed the rulemaking process in May and went into effect in November 2013.

## Research

- **Alternatives to Fumigants:** DPR will be awarding additional grants to support research into alternatives to fumigants, and will continue its support for the Strawberry Research Partnership with the California Strawberry Commission.

## Alliance Grants

- **Grant Projects:** DPR will continue to work with the following grants projects: IPM Training Resources for California Pest Management Professionals Working in Early Care & Education; Expanding IPM Education to Southern California Spanish-speaking Landscapers; Got Ants? Outreach to Reduce Risks from Pyrethroids to the Environment & Water Quality; Green Cleaning, Sanitizing & Disinfecting: A Toolkit for Early Care & Education.



## Enforcement

- **Collaboration with US EPA:** DPR's Enforcement Branch is committed to conducting a significant number of focused inspections of pesticide producing establishments in the San Joaquin Valley as part of U.S. EPA's Region 9 environmental justice project. This is a cooperative effort where agencies will work together on inspections of facilities that may generate hazards in underserved areas.

## Outreach

- **Worker Health and Safety Scheduled Farmworker and Promotora Outreach Events:** DPR will provide outreach materials and staff booths at a number of Promotora and farm workers health and safety events in farmworker communities around the state in 2014.

# Department of Resources Recycling and Recovery (CalRecycle)

The Department of Resources Recycling and Recovery (CalRecycle) has remained committed to its environmental justice policy, which directs the Department to act in a manner that ensures the fair treatment of people of all races, cultures and income levels; to reach out to California's diverse communities and include their input in policy and decision-making; and to reduce or eliminate any disproportionate impacts of pollution identified.

## Accomplishments

### Education

California is leading the nation in environmental literacy with the first-of-its-kind Education and the Environment Initiative (EEI) Curriculum. Created by CalEPA, in partnership with the California Department of Education and the Natural Resources Agency, the EEI Curriculum is approved for use in kindergarten through twelfth grade classrooms by the State Board of Education, and teaches more than 100 science and history/social science standards with an emphasis on key environmental principles and concepts. Through public outreach, teacher training, and public-private partnerships, CalRecycle is actively promoting EEI Curriculum implementation across a diverse set of communities in order to ensure California students understand their deep connection to the environment—including the implications our choices have on the air we breathe, the water we drink, and the food we eat. For example, CalRecycle provided EEI Curriculum training to the entire staff at the Carson-Gore Academy for Environmental Studies, which is located on a former toxic cleanup site in a socioeconomically disadvantaged Los Angeles neighborhood. Students there already have a first-hand lesson in the ways in which individual and societal choices can affect future generations. The EEI Curriculum contributes seven specific curriculum units dealing directly with the topic of Environmental Justice, and all units challenge students to think critically about the complex relationship between our economic and consumptive choices and the health and stability of our environmental resources. Ultimately, once implemented statewide, the EEI Curriculum will ensure future Californians are informed decision makers who are well prepared to confront the environmental and economic challenges of the 21st century.

## Cleanup and Abatement Programs

- **Cleanups and Remediation:** CalRecycle's Solid Waste Disposal and Codisposal Site Cleanup Program directly addresses the impacts of solid waste disposal sites needing remediation throughout California where responsible parties are unable or unwilling to provide the timely cleanup or are unidentifiable. During 2010 through the end of 2012 CalRecycle expended \$16.3 million to fund 36 cleanup projects throughout the state, many in disproportionately impacted areas. Noteworthy projects included:
  1. Placement of an intermediate cover at the inactive Bonzi Landfill in Stanislaus County by CalRecycle contractors at a cost of \$2.4 million. The State Water Resources Control assisted by notifying the surrounding community impacted by the landfill and the remediation project. The Bonzi Landfill is adjacent to an older residential subdivision that has a drinking water well near the landfill.
  2. Two solid waste remediation projects within the border zone at Borderfield State Park to clean out trash-laden sediment and improve trash capture systems at two sediment basins protecting the Tijuana River National Estuarine Research Reserve. The work was performed by CalRecycle contractors at a cost of \$2.9 million.
- **Waste Tire Stabilization and Abatement Program:** This program addresses the impacts of illegal waste tire disposal sites needing cleanup all over California. The program worked with monitors from the Federated Indians of the Graton Rancheria to mitigate potential impacts to cultural resources during the cleanup of the waste tire sites at the Infineon Raceway in Sonoma County.
- **First Nation Recovery, Inc.:** CalRecycle identified potential public health issues and fire hazards associated with tire storage at First Nation Recovery, Inc. on Cabazon tribal lands and informed the tribe and US EPA. In May 2011, after a fire at the site, US EPA took actions to address issues at the facility. After a second fire in July 2012, and at the request of the Cabazon tribe, CalRecycle provided direct assistance to the Tribe for plan reviews and approaches to dispose and reuse stored tires. CalRecycle continues to offer assistance to the tribe.

## CalEnviroScreen

- **Contribution to CalEnviroScreen Indicators:** CalRecycle contributed to the development of the solid waste and waste tire related aspects of the California

Communities Environmental Health Screening Tool (CalEnviroScreen) prepared by the Office of Environmental Health Hazard Assessment (OEHHA). CalEnviroScreen uses existing environmental, health, and socioeconomic data to consider the extent to which communities across the state are burdened by and vulnerable to pollution. CalRecycle provided location information on solid waste facilities and waste tire facilities, and collaborated with OEHHA staff on the development of a scoring methodology, which the screening tool uses to calculate a pollution burden.

## Compliance and Enforcement

- **Stockton:** CalRecycle, as solid waste enforcement agency for the City of Stockton (City), documented issues at the Stockton solid waste transfer station/materials recovery facility that could impact neighboring activities. The facility is located near a number of service providers for the homeless. The City ordered the Stockton solid waste transfer station/materials recovery facility to cease operations. CalRecycle facilitated the permitting of a state-of-the-art solid waste transfer and materials recovery facility in east Stockton. The east Stockton facility operates more efficiently and with fewer operational impacts.
- **Permits:** CalRecycle's Solid Waste Facility Permit concurrence process includes CalRecycle staff participation in local hearings on proposed permits as well as a detailed analysis by staff of the environmental justice concerns expressed by local citizens as part of each CEQA and local permit review and approval process. These findings are analyzed as part of CalRecycle's permit decision process.
- **Illegal Dumping:** The Illegal Dumping Enforcement Task Force formed in 2006 was reformed into the Illegal Dumping Technical Advisory Committee (IDTAC) in December 2010. The IDTAC conducted their first meeting in May 2011. The Task Force has since addressed the following:
  1. Continued to assist CalRecycle in updating the Illegal Dumping Toolbox on the CalRecycle website.
  2. Continued work on expanding the Environmental Justice based Model Illegal Dumping Ordinance developed by CalRecycle staff and the IDTAC into a comprehensive tool for use by local governments.
  3. Helped develop a tiered approach discussion document that can be used by local governments to manage unregulated waste haulers.
  4. The IDTAC identified illegal disposal of waste mattresses as a significant Environmental Justice problem to local governments and initiated an in-

depth discussion on the issue with the industries involved in the manufacturing of new mattresses, remanufacturing of used mattresses, recycling of used mattresses and final disposal of waste mattresses. The IDTAC completed a limited survey of the cost and disposal of waste mattresses to local governments and disposal facilities, and will be initiating a detailed survey. CalRecycle will provide illegal dumping program outreach to local agencies, task forces, and public interest groups assisting them in the use of the illegal dumping website, accessing existing CalRecycle cleanup grant programs, development of effective local ordinances, and development of prevention, abatement and enforcement programs in impacted communities.

- **Fair Treatment Certification Requirement:** The Department requires all grantees and contractors to certify that they conduct their programs, policies, and activities that substantially affect human health or the environment in a manner that ensures the fair treatment of people of all races, cultures, and income levels, including minority and low-income populations. This requirement is included as part of the grant and contract award processes for grants and contracts in all Department divisions and offices.

## Goals

### Increased Organics Recycling

To achieve its 75 percent source reduction, recycling and composting goal, CalRecycle estimates California will need to move about 22 million more tons of organics and other recyclables from disposal to recycling each year. More recycling means less pollution and a better environment for California. It also means many new and expanded solid waste facilities. While these facilities will create new jobs and provide new recycled feedstock for California's agricultural and manufacturing sectors, they also have the potential to impact the communities in which they are located. We have a vision for this next generation of solid waste facilities: an advanced statewide infrastructure that not only expands on the accomplishments California has made so far, but leverages new technologies that are more versatile, target problem materials, and offer better environmental performance. We are committed to focusing our resources on technologies and industries that not only help California meet its 75 percent recycling goal, but offer maximum environmental performance and minimize impacts to affected communities.

## Public Notice Guidance and Training

CalRecycle staff will continue to provide guidance and conduct training classes for local enforcement agencies and operators on regulations for local notice and meetings, and will continue to attend local meetings.

- **Illegal Disposal Task Force:** CalRecycle will work with the Illegal Disposal Task Force to continue to assist local agencies to maximize administrative processes, expand the utilization of volunteer workers in illegal dumping program delivery, and advise on state legislation as appropriate. CalRecycle will continue to explore ways to expand local program funding support to communities that are disproportionately impacted by illegal dumping.
- **Transparency in Permitting and Siting:** CalRecycle continues to be involved in numerous discussions with local and state regulatory agencies regarding the permitting and siting of waste diversion facilities, particularly ones involving the management of organic materials such as green waste, food waste, and biosolids (treated residuals from wastewater treatment). These discussions have involved rulemakings proposed or promulgated by several air quality management districts on odor management, particulate emissions, and volatile organic compound emissions from composting facilities. They also have involved proposed rulemakings by regional water quality control boards on requirements for controlling leachate and runoff from such facilities. As part of these discussions, CalRecycle has sponsored technical research on emissions from composting piles and provided information to the regulating entities on cost-effective best management practices to reduce emissions, runoff, and leachate while maintaining the economic viability of these facilities. Without a viable composting infrastructure, these materials will decompose in uncontrolled conditions or they will be transported (with associated air emissions) to more distant operations. CalRecycle continues to promote transparency in the rulemaking process so that all affected stakeholders have early and consistent opportunities for input. This transparency is afforded by public workshops, posting of materials on websites, listservs, and similar mechanisms.



# Department of Toxics Substances Control (DTSC)

The Department of Toxic Substances Control is committed to developing and conducting its public health and environmental protection programs in a manner that ensures fair protection and fair treatment of all Californians, regardless of race, age, culture, income, education, or geographic locations.

DTSC's goal for environmental justice and public participation is to provide and promote capacity building to ensure that communities have the opportunity to understand their local environment and have the opportunity to meaningfully participate in environmental decision-making processes.

## Accomplishments

### Enforcement

- **Office of Criminal Investigations:** DTSC is the only department, board or office within CalEPA that employs sworn police officers. Similar to officers in other areas of law enforcement, the DTSC investigators have the powers of arrest, search, and seizure. DTSC utilizes this unique capability to conduct criminal investigations of environmental violations when warranted. The Office of Criminal Investigations (OCI) has found criminal enforcement to be an effective deterrent to environmental violations in communities overburdened by hazardous waste pollution.
- **Metal Recyclers Initiative:** In 2013, DTSC implemented an enforcement initiative focused on metal recycling facilities, largely located in EJ communities. If not conducted properly, metal recycling activities can pose health and environmental threats to surrounding communities via air and water contamination.
- **DTSC Working to Ensure Impacted Communities Protected:** Over 40% of all Department of Toxic Substances Control inspections, complaint investigations, and enforcement actions took place within areas of the state identified by CalEnviroScreen as the most burdened and vulnerable to multiple pollution sources and stressors.
- **Chemical Waste Management, Kettleman Hills:** In early 2013, DTSC levied a \$291,208 fine against Chemical Waste Management's (CWM), owners of the Kettleman Hills hazardous waste facility. CWM failed to notify the department

of 72 spills during a four year period and failed to properly treat a hazardous waste shipment prior to its disposal in a landfill. In addition, the company is required to reimburse DTSC \$20,000 for its costs.

- **Exide Battery Recycler, Vernon:** In June 2013, DTSC ordered Exide Technologies, a battery recycling facility located near the communities of Maywood and Boyle Heights in east Los Angeles, to suspend operations. DTSC acted after receiving information that the facility was continuously releasing hazardous waste into the soil from leaking underground pipes. The order also required Exide to meet air quality emission standards following a report from the South Coast Air Quality Management District (SCAQMD) which showed unacceptable levels of arsenic coming from the operation. Since this time, a formal enforcement order has allowed Exide to reopen under strict safety standards and with significant improvements to its facility.
- **Titan Environmental, El Monte:** In February 2012, DTSC coordinated an enforcement action with SCAQMD in response to a complaint that Titan was illegally storing waste asbestos at a truck yard adjacent to a high school. Titan was immediately cited for transporting hazardous waste asbestos without a hazardous waste hauler's registration, storing hazardous waste without a permit, and falsifying records pertaining to the transportation of hazardous waste. On November 20, 2013, the owner of Titan pled no contest to criminal charges, including unlawful disposal of hazardous waste, and was placed on three years formal felony probation, required to perform 100 hours of community service, and pay \$69,256 in restitution to the property owner.

## Permitting

- **Independent Program Review:** In 2013, DTSC commissioned an independent review of its hazardous waste permitting process. The review, conducted by California Personnel Services and released in October 2013, concluded with 20 recommendations to improve the permit review process and reduce the time required to review applications. The review looked at current processes and practices of the program, guidance material, statutory and regulatory mandates, metrics, and key indicators that will help permit writers and management know whether a permit application should be approved or denied. DTSC has combined the CPS findings with its own findings and has developed over 50 specific actions to implement these improvements and will track the progress on DTSC's public website. An overview of the report and its recommendations and the Permitting Program's response to the report were included in a public meeting held December 16, 2013.

- **Model Public Participation Process to Learn More about Community Needs:** DTSC conducted an enhanced community assessment for Kettleman City which is located in close proximity to the Kettleman Hills hazardous waste landfill. DTSC's efforts included extensive outreach actions, such as a community survey, posting of documents throughout the community, public meetings and workshops. As a result of these outreach efforts, DTSC learned of significant community concerns in Kettleman City regarding air and water quality.

### Safer Consumer Products

- **Nail Polish Safety:** DTSC called on manufacturers to make accurate claims about what is in their products. The findings make a case for the importance of DTSC's Safer Consumer Products Regulations. Nail care technicians in California's estimated 48,000 nail salons are potentially exposed to harmful chemicals on a daily basis. Exposure concerns are compounded when nail salons are poorly ventilated. Most of California's estimated 121,000 licensed nail care technicians are young Asian-American women. DTSC, in collaboration with the California Healthy Nail Salon Collaborative, is working with salons to assist them in eliminating the use of toxic products.



- **Lead and Cadmium in Jewelry:** In 2012, DTSC discovered more than 300 types of toxic jewelry at a business in Los Angeles' "Jewelry Mart." The discovery led to significant media coverage that raised the awareness of heavy metals in



jewelry, and led the state Attorney General's Office to file a complaint against 16 businesses that had allegedly been supplying to retailers, or directly selling to Californians, jewelry containing high levels of lead and cadmium. DTSC announced a \$375,230 settlement of the case in June 2013. Additional certification and disclosure requirements were also included in the settlement agreement.

## **Environmental Justice Community Support**

DTSC has engaged in direct actions to support communities and improve the quality of life in impacted communities. Some highlights of those efforts include:

- **US EPA State Environmental Justice Cooperative Agreement**  
On November 24, 2009, DTSC was among recipients in five states to be awarded a US EPA Environmental Justice Grant. The \$160,000 award is being used to improve environmental conditions through community-based partnerships in the communities of Maywood, Wilmington and Commerce. Specific projects and accomplishments include:
  - **Maywood Water Sampling:** In response to community concerns, DTSC sampled drinking water in Maywood in 2010 and 2012. As a result of the findings, treatment systems were installed by the Maywood water companies to reduce concentrations of manganese in the drinking water. DTSC continued to support the community with public meetings to provide additional information to reduce concentrations of other substances in the water.
  - **Commerce Diesel Efforts:** "With support from DTSC, the Del Amo Action Committee hosted an environmental youth summit on August 6, 2013. During the summit, youth learned about environmental laws, including anti-idling laws, and how toxins enter the environment. East Yards Communities for Environmental Justice then recruited youth leaders to identify and map truck idling hot spots in the City of Commerce. This information is being used to place anti-idling signs within the city.
  - **Wilmington Refinery Monitoring:** DTSC has been working with the Coalition For A Safe Environment (CFASE) on developing an online environmental reporting tool to enable residents to submit environmental incident reports in English and Spanish. The tool will also display data gathered by community air monitors.



- **Community Environmental Reporting Networks & Social Media**  
The Fresno Environmental Reporting Network (FERN), Imperial Valley Environmental Reporting Network, and Kern Environmental Enforcement Network (KEEN) are community task forces that bring together residents and local, state, and federal government agencies to address issues that threaten the health of community members. These task forces all have established online complaint processes to address concerns regarding illegal dumping, industrial pollution, pesticide exposure, flooding, dust, odors, and other types of environmental concerns. The Department of Toxic Substances Control, the Department of Pesticide Regulation, the Air Resources Board, and the Regional Water Quality Control Boards support these local networks by ensuring that staff are available for meetings and to assist with concerns that fall under their regulatory authority.

## Goals

### **Develop an Implementation Plan to Reduce Hazardous Waste Generation and Landfill Disposal**

In 2013, DTSC announced an initiative to promote environmental justice for communities located near hazardous waste landfills by reducing the generation of hazardous wastes from all sources, thereby reducing landfill disposal activities. The goal has generated significant stakeholder discussion and will be further vetted over the next year in order to conclude with recommendations to accomplish this goal.



## **Continue Work on US EPA State Environmental Justice Cooperative Agreement Program**

DTSC is working with California Safe Schools and Los Angeles Unified School District (LAUSD) on a mapping project to identify environmental threats near schools and to create a reporting protocol so identified threats can be reported to the appropriate agency. DTSC is also partnering with LAUSD's Lead Monitoring Program to assess drinking water quality of selected Maywood Public Schools. Additionally, DTSC will host future public training sessions on residential water filters for Maywood Residents.

## **Expand Public Participation in Enforcement Consent Orders**

DTSC will provide online access to inspection and enforcement activity data, and to key inspection and enforcement documents. Access to an online document system should be completed by spring 2014. DTSC will also implement a pilot project to solicit public comment on proposed negotiated enforcement settlements and will evaluate options for making information on fines and penalty calculations available to the public.

## **Work Collaboratively to Address Sources of Contamination**

To enhance and speed up DTSC's ability to effectively address contamination issues, Cleanup and Enforcement staff will work collaboratively to use Geographic Information Systems (GIS) and modeling software to identify contamination sources of complex soil and groundwater plumes in disproportionately impacted communities. During 2014, three pilot projects will be selected where Cleanup and Enforcement staff will work jointly to investigate and identify potential sources of contamination.

## **Implement Permitting Program Improvements**

DTSC Permitting staff will continue to work diligently on the implementation of the over 50 specific actions developed through a combination of the California Personnel Services report findings and DTSC's own findings in order to improve the permit review process and reduce the time needed for application review. Progress will continue to be tracked on DTSC's public website.

# Office of Environmental Health Hazard Assessment (OEHHA)

The Office of Environmental Health Hazard Assessment (OEHHA) is the lead state entity for assessing health risks posed by environmental chemicals. OEHHA's efforts are undertaken with a sensibility toward addressing environmental justice and the needs of underserved populations.

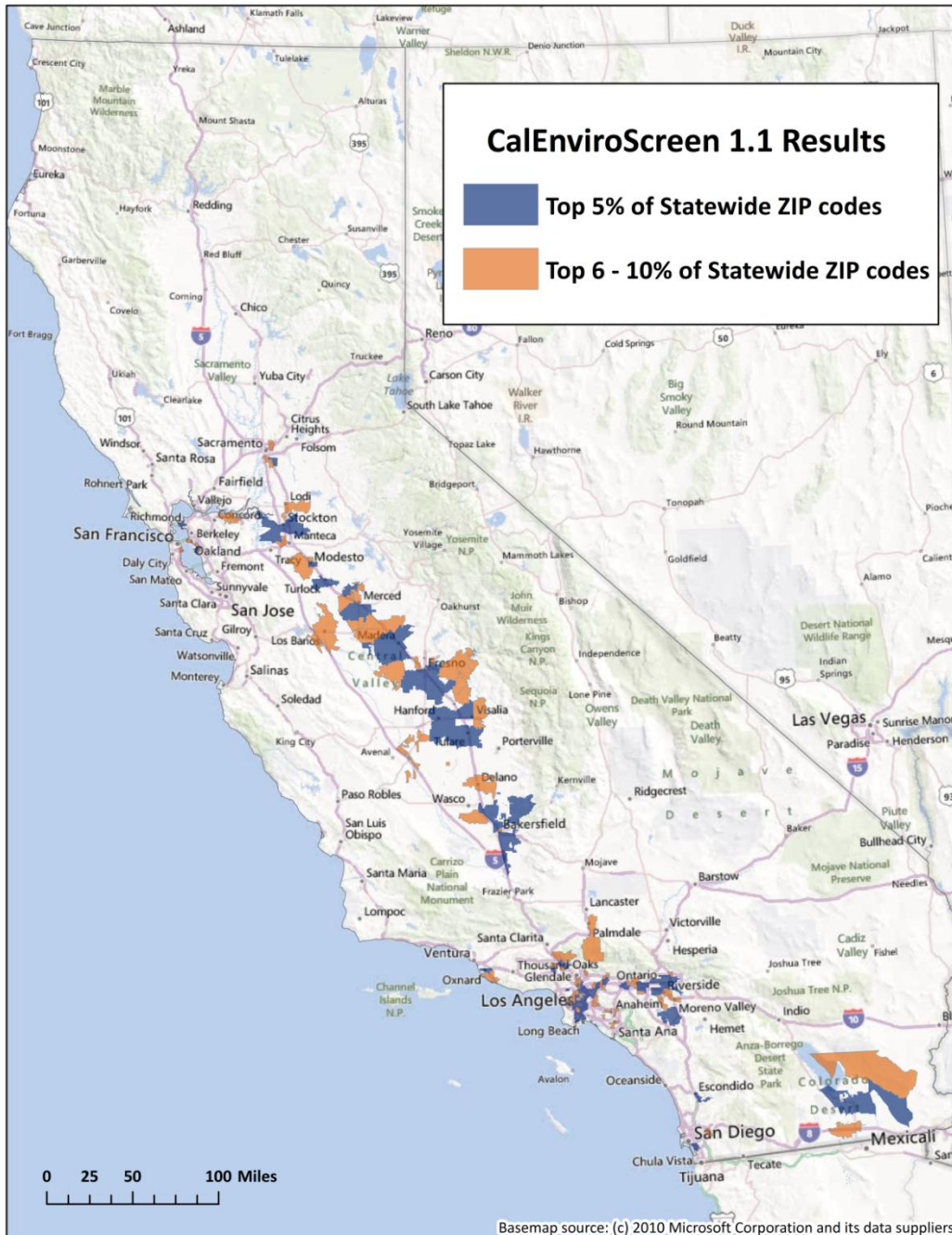
OEHHA's assessments are used to develop the state's ambient air quality and drinking water standards, and guide the regulation of pesticides, toxic air contaminants, and the cleanup of hazardous waste and groundwater contamination. OEHHA evaluates the effects of chemicals that cause cancer, birth defects and other reproductive harm to support identification of these hazards for Proposition 65 (the Safe Drinking Water and Toxic Enforcement Act of 1986). OEHHA also develops assessments and tools, like CalEnviroScreen and the Climate Change Indicators for California, to understand and track the environmental health and condition of California and its communities. Further, OEHHA provides fish advisories on healthy fish consumption minimizing exposure to harmful contaminants, and implements Biomonitoring California, in collaboration with other California departments. These and other public health-protective responsibilities of OEHHA are fulfilled by a highly trained professional and support staff of approximately 125 individuals.

## Accomplishments

### Understanding and Addressing Communities Burdened by Multiple Sources of Pollution – CalEnviroScreen

A key activity identified in the California Environmental Protection Agency Environmental Justice Action Plan of 2004 is the development of guidance on the assessment of "cumulative impacts." The Agency identified OEHHA as the lead in this effort. As discussed above, the California Communities Environmental Health Screening Tool or CalEnviroScreen, was developed to consider the extent of pollution burden and vulnerabilities in communities across California. The tool, released on April 23, 2013, and updated in September 2013, uses existing data to present a broad picture of the burdens communities face from environmental pollutants. Some of these factors include air pollutant concentrations, toxic releases from facilities, and traffic density. The tool also incorporates certain measures of environmental conditions, such as the presence of toxic cleanup sites, groundwater threats, and solid and hazardous waste facilities. In addition, it takes into account population characteristics, including subpopulations sensitive to pollutants, such as children and the elderly, and

socioeconomic factors such as poverty. CalEnviroScreen uses a relatively simple mathematical formula to assign a score to each of California's almost 1,800 ZIP codes based on this data. The map below highlights the ZIP codes in California scoring in the top 10 percent. This represents the most burdened ZIP codes.





Uses for the tool include guidance for environmental justice grants and environmental and community programs throughout the state as well as prioritizing cleanup and abatement resources and enforcement actions. The tool helps target resources to boost investment in sustainable development in heavily impacted communities. Information from the tool helps state and local decision makers focus time, resources, and programs on areas with the most urgent needs. In a time of limited resources, the tool provides insight into how available resources can be prioritized to improve public health and the environment.

The development of CalEnviroScreen involved extensive public comment and stakeholder involvement. It built upon a 2010 OEHHA report, *Cumulative Impacts: Building a Scientific Foundation*. The report aimed to describe scientific data that form the basis for concern for impacts in communities from multiple sources of pollution. It proposed the concepts for a scientific tool to screen different areas across the state where cumulative impacts from multiple sources of pollution may be occurring. In the following years, OEHHA further developed and refined this tool using a public process to engage various stakeholders in its development.

CalEnviroScreen development included public discussion of drafts that further developed and explained the methodology described in the 2010 report. These drafts as well as the 2010 report were developed with the assistance of the Cumulative Impacts and Precautionary Approaches Work Group. This work group consisted of representatives of business and non-governmental organizations, academia and government.

After the release of the first public draft of CalEnviroScreen in 2012, CalEPA and OEHHA conducted 12 public workshops in seven regions throughout the state to receive input. At these workshops, the methodology and conclusions were discussed with the public and a wide range of stakeholders, including community, business, industry, academic, tribal, and governmental groups. These regional workshops yielded over 1000 oral and written comments and questions.

In response to the feedback received through this public process, OEHHA released a second public review draft of CalEnviroScreen in January 2013. At a public meeting, OEHHA was widely commended for its efforts to engage a great diversity of stakeholders in the process of developing the tool.

While useful for screening, CalEnviroScreen is not a substitute for formal risk assessment and cannot predict whether impacts in a community are high enough to cause health concerns. It does, however, provide a glimpse into potential impacts on a community's health. The tool's results do not and are not intended to assign responsibility for the issues or burdens confronting a particular area to a specific source

or sources. Indeed, in some instances, factors or influences arising from outside area boundaries may contribute to the result.

## **Biomonitoring California**

Biomonitoring California (officially named the California Environmental Contaminant Biomonitoring Program) is a collaborative effort of the Department of Public Health (CDPH), OEHHA, and DTSC that measures environmental chemicals in the bodies of people across the state. The program analyzes biological fluids (e.g., blood) for the presence of environmental chemicals, and evaluates exposures in California residents in order to establish trends in exposures over time and to help assess the effectiveness of public health and regulatory efforts to reduce exposures.

More than 200 of the approximately 700 California residents whose samples were analyzed during 2007- 2012 live in heavily impacted urban or rural communities. For example, study subjects have included pregnant women recruited from San Francisco General Hospital and adults and children in low income agricultural communities. Results from these studies are becoming available, and are being posted on the newly revamped Biomonitoring California website, hosted by OEHHA. The website update, designed to improve ease of use, accessibility, and relevance for a general audience, was launched in July 2013.

In collaboration with CDPH, OEHHA has developed fact sheets about the chemicals being measured in Biomonitoring California studies, including possible ways to reduce exposure. The fact sheets are one part of a packet of materials intended to help study subjects understand their biomonitoring results. The fact sheets are translated into the language spoken by study subjects.

In addition, OEHHA and CDPH developed a brochure designed to provide simple answers to basic questions about biomonitoring, available in Spanish and Chinese as well as English.

## **Fish Consumption Recommendations**

OEHHA assesses the levels of mercury and other contaminants in fish from California's lakes, rivers and coastal areas, and produces advisories with recommended consumption levels so that anglers and their families and friends can enjoy the benefits of healthy fish consumption while minimizing their exposure to harmful contaminants. OEHHA provides fish consumption recommendations using a graphic-based format that makes it easier to understand advisories across languages and cultures. To improve public outreach to impacted communities, OEHHA collaborated with the California Department of Public Health for its San Francisco Bay advisory and with the Fish Contamination Education Collaborative (FCEC) for its Santa Monica Bay and San Pedro Bay advisories.

## Hướng dẫn ăn cá và tôm cua sò hến ở Vịnh San Francisco Bay

### Phụ nữ 18 - 45 tuổi và trẻ em 1 - 17 tuổi

**An toàn nếu ăn 2 khẩu phần mỗi tuần**

HOẶC

**An toàn nếu ăn 1 khẩu phần mỗi tuần**

**Không nên ăn**



♥ = Hàm Lượng Omega-3 Cao

### Đàn ông trên 17 tuổi và phụ nữ trên 45 tuổi

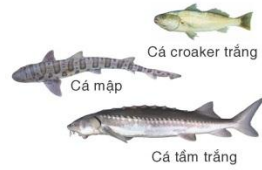
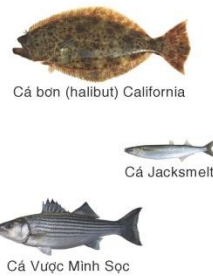
**An toàn nếu ăn**

Cá rockfish nâu HOẶC cua đá đỏ — 5 khẩu phần mỗi tuần HOẶC Cá hồi — 7 khẩu phần mỗi tuần

**An toàn nếu ăn 2 khẩu phần mỗi tuần**

HOẶC

**An toàn nếu ăn 1 khẩu phần mỗi tuần**



**Không nên ăn**

♥ = Hàm Lượng Omega-3 Cao

Hình cá Jacksmelt: Kirk Lombard, Cá bon (halibut) California: John Shelton

**Chỉ ăn cá cắt lát đã bỏ da. PCBs có trong mỡ cá và da cá.**



- Luôn loại bỏ và vứt bỏ da của loại cá croaker trắng trước khi nấu.
- Nấu chín kỹ và gạn hết nước cá.
- Đối với cua, chỉ ăn phần thịt.

**Có điều gì lo ngại?**

Mỗi số loại cá có hàm lượng PCBs và thủy ngân cao. PCBs có thể gây ung thư. Thủy ngân có thể gây tác hại đối với sự phát triển não của bào thai và trẻ em. Điều này đặc biệt quan trọng đối với phụ nữ có thai hoặc nuôi con bằng sữa mẹ cần làm theo những hướng dẫn này.

♥ **Tại sao nên ăn cá?**

Ăn cá tốt cho sức khỏe của bạn. Trong cá có chất Omega-3 có thể làm giảm nguy cơ bệnh tim và tốt cho sự phát triển não ở bào thai và trẻ em.

**Khẩu phần cá là gì?**



Đối với Người Lớn

Đối với Trẻ Em

Khẩu phần cá nên ăn là khoảng bằng kích thước và độ dày của bàn tay bạn. Cho trẻ em ăn ít hơn.

Văn Phòng Đánh Giá Các Chất Nguy Hiểm cho Sức Khỏe Môi Trường tại California (California Office of Environmental Health Hazard Assessment)

[www.oehha.ca.gov/fish.html](http://www.oehha.ca.gov/fish.html) • (510) 622-3170

Viet.11-11

For San Francisco Bay, a Stakeholder Advisory Group (SAG) was formed to oversee and implement a risk reduction project. Grants were awarded to four non-profit community organizations that represent diverse, underserved, and low-income populations, potentially including subsistence fishers. In the project, OEHHA provided training and assistance to grantees that conducted education and outreach in their respective communities. The San Francisco Bay advisory was translated into ten languages to meet the needs of the communities. The project also developed and posted advisory signs, designed graphically to enable understanding without English language proficiency, in five Bay Area counties.

In Southern California, OEHHA collaborated in a similar education and outreach project with the FCEC, the public outreach and education component of the US EPA's program to protect the most vulnerable populations from the health effects of consuming contaminated fish. Similar to the SAG, the FCEC is comprised of community-based organizations, state and federal agencies, local health departments, and other local organizations. OEHHA regularly participates in the FCEC and, among other activities, assisted in designing advisory signs posted throughout the Los Angeles area in multiple languages.

### **Pesticide-Related Illness: Training and Reporting**

OEHHA carried out several efforts in 2010-12 to improve the recognition, treatment, and reporting of pesticide-related illnesses by physicians and other health care workers. As part of its educational program for health care providers on recognizing and treating pesticide-related illness and injury, OEHHA provides on-line courses through the California Medical Supervision Program. A new course was added to address cholinesterase monitoring of agricultural pesticide handlers, to protect these workers from overexposure to specific highly toxic pesticides. In addition, the Spanish and English versions of OEHHA's online training course, "Recognition, Management, and Reporting of Pesticide Illnesses" were improved. These courses now include information on multilingual and cultural competency. Continuing medical education credit is available to physicians and nurses upon completion of these on-line courses.

OEHHA also produced a brochure, "An Education Program for Health Care Providers: Pesticide Related Illness and Injury," describing the available posters and brochures as well as on-line courses and in-person presentations offered on recognizing and treating pesticide illness. OEHHA continued its outreach programs to physicians and other health care providers serving in all areas of California for on-site presentations on pesticide-related illnesses.

Electronic reporting of known or suspected pesticide illness became available via the state's CalREDIE (California Reportable Disease Information Exchange) system in December 2012. OEHHA collaborated with CDPH and DPR and obtained a US EPA grant

that funded the addition of pesticide illness reporting functions to this statewide system. Health care providers are now able to submit pesticide illness reports on-line to their local health department, which will in turn, review the case and submit it to the state for review and investigation. This system will eventually replace the current paper-based reporting system. Electronic reporting will decrease the amount of time it takes for the state to learn of pesticide illness cases. Quicker reporting will mean that illnesses can be investigated sooner by the proper authorities and faster measures can be taken to prevent further illnesses from occurring.

## **Climate Change**

In December 2010, OEHHA released a report, *Indicators of Climate Change in California: Environmental Justice Impacts*, which addressed the disproportionate impacts of climate change on environmental justice communities. The following indicators were presented: (1) air conditioner ownership and cost, (2) farm worker exposure to extreme heat, (3) exposure to urban heat, and (4) vulnerability to wildfires. OEHHA has prepared an annotated bibliography which covers publications from mid-2009 to 2012 of recent scientific papers, publications of research organizations, governmental entities and academia, and other sources of information relevant to climate change and its impacts on California. Included in this document are references that address climate change and impacts on environmental justice communities.

## **Studies of Climate Change and Health Outcomes**

In a recent study, OEHHA investigators estimated the association between heat and humidity, as measured by apparent temperature, and preterm delivery for 60,000 births spanning 16 counties in California that occurred between May and September from 1999 to 2006. High ambient temperature had a significant association with preterm delivery for all mothers, regardless of racial/ethnic group, age, education, or sex of the infant. Greater associations were observed for younger mothers, African-Americans, and Asians. In another study, more than 1.2 million emergency room visits were included to investigate the associations with apparent temperature during the warm season from 2005 through 2008. Increased risks were found for several cardiovascular outcomes, as well as for diabetes, dehydration, acute renal failure, heat illness, and gastrointestinal disease. Risks often varied by age or racial/ethnic group, and several of the effects were greater for African-Americans, Asians, and Hispanics.

## **Kettleman City**

In 2010, CalEPA and the Department of Public Health conducted environmental monitoring as part of an investigation of an apparent increase in the number of infants born with birth defects after 2006 in Kettleman City, a San Joaquin Valley community. OEHHA led the CalEPA effort, in which scientists from each of CalEPA's boards,

departments, and office assessed potential contaminants and tested for chemicals that could cause birth defects and other adverse health effects. CalEPA's investigation found levels of environmental pollutants in the air, water, and soil of Kettleman City comparable to those found in other San Joaquin Valley communities. The Agency's comprehensive investigation did not find a specific cause or environmental exposure among the mothers that would explain the increase in the number of children born with birth defects in Kettleman City.

## Goals

### **Understanding and Addressing Communities Burdened by Multiple Sources of Pollution**

CalEnviroScreen version 1.1 was finalized and released in September 2013. The release was supplemented with an online mapping tool that allows access to the results of the screen and the underlying information. CalEPA and OEHHA scientists are revising the tool, using an open and public process, as new information becomes available. For example, OEHHA is developing an indicator of drinking water quality that will factor into the overall picture of a community's pollution burden and will be providing information at the census tract scale.

As mentioned above, a recent California law, SB 535 (de León, Chapter 830, Statutes of 2012), requires CalEPA to identify "disadvantaged communities" based on the kind of environmental, health and socioeconomic data used by CalEnviroScreen, and to invest a percentage of the state's greenhouse gas program revenue into those communities. OEHHA is working with CalEPA and the California Air Resources Board to provide information from CalEnviroScreen for the implementation of this program.

CalEPA and OEHHA will continue to discuss the methodology and conclusions with the public and a wide range of stakeholders to ensure that future versions of the report will be of help to state agencies and departments in their future planning and budgeting decisions.

### **Biomonitoring California**

Biomonitoring California will continue to develop and conduct studies to track environmental exposures of Californians. OEHHA will continue to analyze results and add results to other new content and features to its website. The program will continue efforts to reach a range of audiences, including organizations that represent environmental justice communities. For example, expanded content in Spanish is under development on the new website, including fact sheets about the chemicals being measured, an interactive Biomonitoring guide, and videos with Spanish subtitles. When this Spanish-language content is available, the program will work to get the word out to relevant audiences.

CA .GOV **BIOMONITORING CALIFORNIA** A joint program of California Department of Public Health, Department of Toxic Substances Control, Office of Environmental Health Hazard Assessment. Contact Us | OEHHA Home | Log-in Search

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### Biomonitoring Guide

- What is biomonitoring?
- Chemicals in everyday life
- Chemicals and our health
- Why is biomonitoring important?
- What does a biomonitoring project involve?
- Which chemicals are measured?

**What does a biomonitoring project involve?**  
 Each Biomonitoring California project examines certain chemicals and groups of people. The project may focus on just one or two groups of people, such as pregnant women and their newborns, or firefighters.



Anna was asked to be part of a biomonitoring project with other pregnant women. They are being tested for chemicals that might affect hormones and child development.

- What happens if someone is asked to be in a biomonitoring project?
- Reasons to take part in a biomonitoring project
- Biomonitoring test results

Download the print brochure "What is Biomonitoring?":

- [CECBP-brochure\\_English-final.pdf](#)
- [CECBP-brochure\\_Spanish\\_final.pdf](#)
- [CECBP-brochure\\_Chinese\\_final.pdf](#)

A joint program of the California Department of Public Health, Office of Environmental Health Hazard Assessment, and Department of Toxic Substances Control.

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## Climate Change

OEHHA will continue to monitor the scientific literature on the disproportionate impacts of climate change on environmental justice communities, as well as the impacts of climate change in general. OEHHA will continue to track and report on climate change indicators. OEHHA has prepared an annotated bibliography that it will periodically update. Included in this document are references that address climate change and impacts on environmental justice communities.



## **Studies of Climate Change and Health Outcomes**

In a study of temperature and neonatal mortality OEHHA investigators found that African-Americans have a greater risk for temperature-associated neonatal mortality from all causes in coastal areas during the warm season (May through October) compared to Caucasians. OEHHA investigators are working on a paper to publish these results in the scientific literature to inform other researchers and policy makers. These investigators plan to continue work on studies of apparent temperature and adverse birth outcomes.

## **Fish Consumption Recommendations**

With data obtained in 2013, OEHHA is re-evaluating and updating the advisory at Clear Lake in response to concerns raised by Tribal members about additional fish species consumed.

## **Pesticide-Related Illness Training and Reporting**

OEHHA is revising its online medical education training course “Recognition, Management, and Reporting of Pesticide Illnesses” to be more accessible and user friendly and will translate the revised version into Spanish. Efforts to reach and train physicians and other health care providers will continue, with additional outreach to improve awareness within the medical community in California, with special attention to underserved communities. Training for county users of the state’s California Reportable Disease Information Exchange (CalREDIE) for pesticide illness reporting began in January 2013, and provider outreach and training will follow. Electronic reporting of known or suspected pesticide illness via the CalREDIE system addresses the problem of the lengthy time it can take for the state to learn of pesticide illness cases. Earlier reporting means the cases can be investigated sooner by the proper authorities and faster measures can be taken to prevent further illnesses from occurring.

## State Water Resources Control Board (SWRCB)

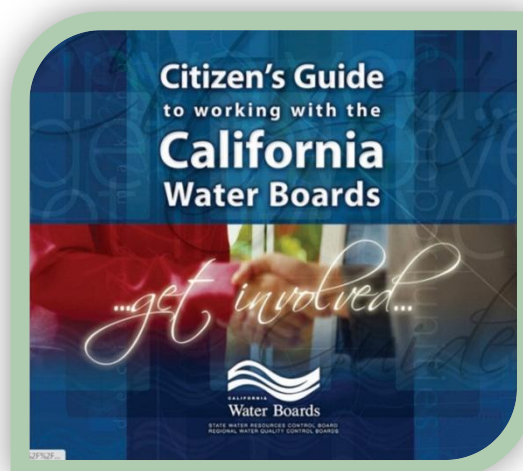
The State Water Resources Control Board (SWRCB or Water Board) and the nine Regional Water Quality Control Boards (Regional Boards), collectively known as the California Water Boards, prioritize environmental justice concerns in their programs and a number of education and outreach activities pursuant to the federal Clean Water Act, California’s Water Code, and the development and implementation of regulations and policies.

During the past five years the Water Boards have focused efforts to assist environmental justice communities in two primary ways: first by providing internal and external education resources; and second by weighing environmental justice factors when considering applications for community water project funding. This focus has resulted in water quality and water reliability improvements for many environmental justice communities by providing necessary funding to complete projects. The Water Boards recognize that there are still many communities throughout the state in need of special consideration regarding environmental justice concerns. In pursuit of solutions to water quality issues, the Water Boards will continue to partner with community organizations, local governments, and state and federal agencies to continue to support environmental justice goals.

## Accomplishments

### Citizen’s Guide to Working with the California Water Boards

In 2011, the State Water Board released an online document titled The Citizen’s Guide to Working with the California Water Boards (The Citizen’s Guide). The Citizen’s Guide provides an overview of the Water Boards and the various opportunities Californians have to participate in the decisions and activities of the Water Boards.



Written in a plain style that is more likely to be accessible to all readers, the Citizen's Guide promotes public education and allows for effective participation in environmental decision-making processes. It includes information on what to expect when attending Water Board meetings, a glossary of water words, commonly used acronyms, as well as contact information for various Water Board programs. The Citizen's Guide has been distributed through the Water Board's work with communities and is available on the Water Boards website.

### **Language Access and Compliance with SB 965**

In 2013 the Water Boards hired a full-time translator to translate Regional and State Board meeting agendas into Spanish as required by Water Code Section 13167.6. The Water Boards made over 100 individual meeting agendas available in Spanish during 2013. This bilingual staff member has also attended community meetings to facilitate communication between Water Board staff and Spanish speaking communities, which has strengthened the Water Board's understanding of environmental justice issues and community needs. The Water Boards are also working to identify existing staff and recruit new staff with bilingual language skills in order to serve a broader group of stakeholders.

### **Funding Assistance Programs**

Many disadvantaged communities in the state lack the funding to provide modern water and wastewater treatment systems to their residents. Failing septic systems and old, obsolete, or undersized wastewater treatment plants can affect the public's health and safety, and the quality of both surface and groundwaters. These communities often lack the capital to repair the problem, and are unable to pay the fines or penalties associated with non-compliance. The Water Boards are committed to addressing the human health and water pollution problems faced by these communities. The level of funding to assist environmental justice communities varies from year to year depending on the amounts available, and the limitations of different federal and state programs. Community leaders can receive information on current funding options at annual outreach events coordinated between state and federal agencies that provide funding for community projects. These funding fairs are held every spring in multiple, rotating locations in order to reach as many interested communities as possible.

- **Principal Forgiveness and Grants for Qualifying Communities**

The American Recovery and Reinvestment Act of 2009 (ARRA) allowed the Water Boards to provide nearly \$90 million in principal forgiveness for wastewater projects benefiting disadvantaged communities. In subsequent fiscal years, specified amounts of federal monies have been annually identified by the federal government as principal forgiveness funds. The Water Board disburses these federal monies through the Clean Water State Revolving Fund

(CWSRF) program. The CWSRF Small Community Grant (SCG) Fund was created in 2008. It is funded by assessing an annual charge, in lieu of interest, on existing CWSRF financing agreements. During fiscal years 2010-2011 and 2011-2012, the Water Board received an allocation of \$1 million dollars from this fund. These grant funds supplement available CWSRF principal forgiveness.

- **Technical Assistance to Disadvantaged Communities Grant Contract**  
In the fall of 2011, the State Water Board executed a contract with California Rural Water Association to provide wastewater-related technical assistance to small disadvantaged communities statewide through the end of state fiscal year 2012-2013. This contract promotes community capacity building to address local water quality problems.

## Summary of Interactions with Specific Environmental Justice Communities

Environmental justice communities are unique and require specialized attention to address specific issues in each community. Sometimes supporting an environmental justice community is a matter of communicating the issues to a nontechnical audience and sometimes it is a matter of providing financial support to address a specific water quality issue. Below are some highlights of environmental justice community engagement and assistance.

- **West Goshen, Tulare County:** The Central Valley Regional Water Quality Control Board (Central Valley Regional Board) approved a Supplemental Environmental Project to benefit a drinking water project for the community of West Goshen in Western Tulare County. The community of West Goshen is a severely disadvantaged community with a median household income of \$24,083. Between August 2012 and January 2013, the community's water wells failed, leaving West Goshen without a reliable source of safe drinking water. The groundwater supplying the community's water supply is contaminated with nitrates in excess of the maximum contaminant level of 45 parts per million. The Central Valley Water Board's supplemental Environmental Project partially funded an emergency interconnection to connect the drinking water for the community with a clean source of drinking water. The project completion date is set for the end of November 2014.
- **Weedpatch, Kern County:** Community members raised concerns that a project to connect 27 homes to a new sewer line was apparently at a standstill. The septic tanks servicing the homes routinely overflowed with sewage causing unhealthy living conditions. The Central Valley Regional Board's environmental justice staff worked with the community to resolve the funding issues. The added transparency of the process was helpful in assuring the residents that the

project was still moving forward. The project contract has since been awarded and construction is currently underway with regular status updates being made to the community members.

- **Sonshine Mobile Home Park, Kern County:** Members of the Dolores Huerta Foundation representing the residents of the Sonshine Mobile Home Park near Arvin raised concerns about the nitrate and pesticide contamination of the residents' only water supply well. The Central Valley Regional Board staff contacted the CDPH office in Bakersfield and discovered that a study investigating options for providing a safe and reliable water supply for the mobile home park is currently underway. Recommendations in the forthcoming study will then take at least another one and a half years to implement. Water Board staff is facilitating communication between the owner of the mobile home park and the CDPH to assess whether alternative emergency CDPH funding to provide safe drinking water for the residents is an option for this site.
- **San Jerardo Community, Monterey County:** The Water Boards have been working with the small disadvantaged community of San Jerardo in Monterey County to address water quality issues caused by an aging wastewater treatment system. The community qualified for and received funding for two related projects: a 2010 grant that will allow for a temporary drinking water treatment system to be in place while Monterey County installs a new drinking water well for the community; and a 2012 grant that will be used to plan, design and construct wastewater treatment system improvements, remove accumulated contaminated solids from existing treatment ponds, and to upgrade the system for increased efficiency.
- **Airport District Community and Shackleford (Parklawn), Stanislaus County:** In 2011, two small disadvantaged communities in Stanislaus County qualified for and received funding for the design and engineering of sanitary sewer infrastructure improvements.
- **St. Anthony Trailer Park, Eastern Coachella Valley:** In collaboration with the Pueblo Unido Community Development Corporation, the Water Boards in 2012 approved a small grant to upgrade a malfunctioning wastewater lagoon at the St. Anthony Trailer Park in the Eastern Coachella Valley.
- **Los Angeles River Communities, Los Angeles County:** The Los Angeles Gateway Integrated Regional Water Management Joint Powers Authority (Gateway Authority) applied for and received a principal forgiveness loan through the American Reinvestment and Recovery Act Stormwater fund to outfit catch basins with trap and debris systems in the Cities of Long Beach, Compton, Vernon, South Gate, Lynwood, Commerce, Downey, Paramount, Bell Gardens,

Bell, Maywood, Cudahy, Signal Hill, Pico Rivera, Montebello, and Huntington Park. The cities are all located along the Los Angeles River in the Los Angeles River Watershed. and are subject to the Los Angeles River trash total maximum daily load (TMDL) adopted by the Los Angeles Regional Water Quality Control Board. The Gateway Authority attained 89% trash capture capability through the implementation of this project. All cities in the Gateway Authority are in full compliance with the current trash TMDL and will, as individual catch basin needs are addressed, be able to attain full compliance with future stringent requirements.

- **Riverdale Community of Modesto, Stanislaus County:** The Riverdale community, a low-income community bordering the Bonzi Sanitation Landfill site, has expressed concerns regarding environmental hazards associated with the close proximity of the landfill. The remediation of the site is headed by CalRecycle, a sister department to the Water Boards under the umbrella of CalEPA. The Central Valley Regional Board has issued an order requiring groundwater monitoring and clean-up to the owners of the site. Regional Board staff has maintained contact with the community. When a new phase of site remediation was to begin in 2012 following a period of inactivity, the Water Boards worked with CalRecycle staff to mail notices and post large informational posters in English and Spanish near the site to inform the Riverdale Community of upcoming site remediation activity and contact information for CalRecycle staff who could answer questions.
- **Willowbrook Community, City of Los Angeles:** Former residents and neighbors of the Ujima Village housing complex and Earvin Magic Johnson Recreation Area (the site) in the Willowbrook Community of Los Angeles are concerned about the human health impacts from the site's former use as an oil tank farm and pumping station. The site has been the subject of an ongoing environmental investigation and remediation efforts overseen by the Los Angeles Regional Water Quality Control Board. State and Regional Water Board staff have met with the community on numerous occasions over the past three years. Due to health concerns expressed by community residents, the public outreach associated with the investigation and clean-up of the site is now under the direction of the Department of Toxic Substance Control (DTSC).
- **Hinkley Community, County of San Bernardino:** Hinkley is an unincorporated community in San Bernardino County with a chromium-contaminated groundwater supply. The Water Boards continue to facilitate dialogue between members of the community and PG&E, the responsible party, to ensure the voices of the community are heard as mitigation measures are considered and implemented. The Lahontan Regional Water Quality Control Board continues enforcement actions within the authority of Porter Cologne and the Clean

Water Act as the plume of chromium contamination has shifted from the original identified boundaries and moved into areas once identified as uncontaminated.

- **Kettleman City Community, Kings County:** In 2010, CalEPA and the Department of Public Health conducted environmental monitoring as part of an investigation of an apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Scientists from each of CalEPA's boards, departments, and office (including the Central Valley Regional Board) participated in the project, assessing potential contaminants and testing for chemicals that could cause birth defects and other adverse health effects. The Regional Board investigated the benzene found in the groundwater at the community's wells but was unable to conclusively identify the source. CalEPA's investigation found levels of environmental pollutants in the air, water, and soil of Kettleman City comparable to those found in other San Joaquin Valley communities. The Agency's comprehensive investigation did not find a specific cause or environmental exposure among the mothers that would explain the increase in the number of children born with birth defects in Kettleman City. In August 2011, members of the Kettleman City community requested that the Regional Board move the proceedings for items related to the nearby landfill to the town of Kettleman City, so that residents of the community could meaningfully participate in the decision-making process. Community leaders presented to the Central Valley Regional Board a list of signatures from members of the community who agreed that the proceedings should be moved in order to facilitate public participation. In response, the Regional Board postponed its Sacramento proceedings and rescheduled its meeting to Kettleman City. Water Board staff hand-delivered notices to each Kettleman City residence in order to notify the community. In the door to door outreach effort, Spanish speaking staff spoke to the community about the hearing and answered questions regarding the Water Board's work.
- **Central Valley Irrigated Agriculture:** As part of the outreach efforts on the irrigated agriculture program in the Central Valley, numerous public outreach events for growers and environmental justice groups in various locations have occurred. Typically, these events are attended by large numbers of interested parties. To ensure meaningful public participation, the Water Board frequently provided translation assistance in Spanish, Hmong and other languages.



# Goals

## Strengthen Overall Coordination with Environmental Justice Communities

Coordination with environmental justice communities must be tailored to the needs of each specific community, and often continue for an undetermined period of time, usually several years as environmental remediation processes can be lengthy. While funding assistance can help some disadvantaged communities address specific water quality issues, communities with ongoing site cleanup investigations require ongoing communication with local community leaders and environmental justice networks. Regular participation in local meetings allows staff to share information and build working relationships with impacted community members as well as local, state, and federal agency representatives which promotes cross-media coordination and accountability in addressing environmental justice issues. The Water Boards are working to identify Regional Board staff that could fill this need for continuous community engagement. Having designated environmental justice staff promotes meaningful public participation and the integration of environmental justice considerations into the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies. In the absence of specifically designated environmental justice staff, the Water Boards are working internally to educate all staff on effective outreach and on working with environmental justice communities. In addition to the Citizen's Guide, the Water Boards have made other resources available for staff to educate them on effective ways to engage communities and encourage public participation:

- *Water Boards Public Participation Manual*: In July 2013, the Water Boards distributed a guidance document to staff working with public participation processes. The Public Participation Manual includes information on working with environmental justice communities.
- *Water Boards Draft Public Participation Tools for Water Board Clean Up Sites in California*: In 2011, the Water Boards distributed a guidance document to staff working on clean-up sites.

## Working Towards Consistency in Communications

The Water Boards' goal is to strengthen communication with environmental justice communities to better understand each community's concerns and follow up with accurate and timely information. Taking steps to reach this goal, the Water Boards are internally researching ways to add public participation specialist positions in high priority environmental justice regions. These additional positions will promote a



consistent community approach to public participation, and help the Water Boards meet certain goals identified in CalEPA's Intra-Agency Environmental Justice Strategy.

### **Improving Language Access to non-English Speakers**

In addition to hiring a full-time translator, the Water Boards have begun to identify and certify, through the California Department of Human Resources, bilingual staff members that can serve as contacts to non-English speaking stakeholders throughout the state. This increased capacity for communication will allow the Boards to better serve non-English speaking communities.

### **Identifying and Addressing Safe Drinking Water Issues**

Identifying communities that rely on unsafe water supplies is a necessary step in ensuring that all Californians receive safe drinking water. The Water Boards have made significant progress in identifying communities that are reliant on contaminated groundwater, and have summarized their findings in a legislatively mandated report (AB 2222, Caballero, Chapter 670, Statutes of 2008) titled "Communities that Rely on a Contaminated Groundwater Source for Drinking Water." The report was submitted to the Legislature in January 2013. The report identifies 680 communities that rely on a contaminated groundwater source for their drinking water supply, and further identifies the most frequently detected groundwater contaminants. Arsenic was the most frequently detected groundwater contaminant in the state's drinking water wells. Nitrate was the second most frequently detected groundwater contaminant, and was the most common anthropogenic contaminant.

Although most of the identified communities are able to treat their water before it is delivered to consumers, some communities may be unable to treat their water and can deliver unsafe drinking water to consumers. The report further identifies communities that are actively seeking or have received funding to address known drinking water quality issues. Results from the report can be used to identify environmental justice communities in need of additional outreach and assistance in addressing drinking water quality problems. In a step toward providing relief to some communities with contaminated drinking water, the State Water Board unanimously adopted a resolution providing \$2,000,000 from Cleanup and Abatement funds to the California Department of Public Health (CDPH) to provide interim replacement drinking water to severely disadvantaged communities.

### **Recommendations Addressing Nitrate in Groundwater**

Working to ensure all Californians have access to safe drinking water, the State Water Resources Control Board (State Water Board) recently submitted a second report to the Legislature (SBX2 1, Perata, Chapter 1 of the Second Extraordinary Session of 2008) with

recommendations to address the impacts of nitrate-contaminated groundwater – a source of drinking water for 2.6 million of the state’s residents.

The report, titled “Recommendations Addressing Nitrate in Groundwater,” examines the impacts of nitrates – which are principally a by-product of fertilizers – on community access to safe, affordable drinking water. As pointed out in the report, nitrate contamination is particularly significant in the Tulare Lake Basin and Salinas Valley areas. More significantly, there are acute health risks associated with Nitrate– primarily methemoglobinemia, or blue baby syndrome. The recommendations included in the report to the Legislature further underscore the need for cooperative and comprehensive solutions to improve the quality of all drinking water sources in California.

Many of the recommendations in the report rely upon a secure and stable source of funding to be effective. Without identifying a secure source of funding, nitrates and other contaminants will continue to affect drinking water sources. This may result in communities, particularly those that are small and disadvantaged, paying more for safe drinking water. The report examines several options at how such funding might be identified and the Administration will work with the Legislature to address the need for a sustainable funding source for groundwater-dependent communities dealing with all forms of groundwater contamination, including nitrates.